

**Report of
The Department of the Army Review
of the Preliminary Investigations into
The My Lai Incident (U)**

Volume II
TESTIMONY

BOOK 30

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REPORT OF THE DEPARTMENT OF THE ARMY REVIEW
OF THE
PRELIMINARY INVESTIGATIONS INTO THE MY LAI INCIDENT (U)

VOLUME II

TESTIMONY

BOOK 30

RESSEGUIE
CRADDOCK
DAWKINS
GAVIN
SITTIG

RODRIGUEZ, A.
WILLOUGHBY
CROMWELL
EARLE
GLAFF

HANCOCK
HUTTER
SPELTZ
ULSAKER
RAGSDALE

14 MARCH 1970

SUMMARY OF TESTIMONY

WITNESS: RESSEGUIE, Robert W.

DATE OF TESTIMONY: 20 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Civilian District Representative for Quang Ngai Province, District of Binh Son.

1. KNOWLEDGE OF THE MY LAI OPERATION.

Mr. RESSEGUIE was unaware of a report from a village chief to the Son Tinh District Chief that something unusual had taken place in My Lai in the time period 15-16 March 1968 (pg. 8). He did not know about a memo to the province chief from the district chief on this matter (pg. 8). He never saw or heard any VC propaganda concerning the incident and was not privy to an ARVN or GVN investigation on the subject (pgs. 8, 9). Despite his close working relationship with the Vietnamese and two Vietnamese employees whose job it was to uncover information for him, he heard nothing concerning My Lai or Co Lay (pgs. 9, 10, 14). The closest he ever personally got to the area was the hamlet of An Loc (pg. 10). It was his opinion that he would have heard of something on the scale of My Lai because of his relationship with the Vietnamese and because he was in charge of solatium payments (pgs. 11, 12). He thought it would have been impossible to conceal something of this magnitude from the district chiefs (pgs. 12, 13).

2. OTHER INFORMATION.

a. Relationship with U.S. military officers.

RESSEGUIE had been to LZ Dottie only twice and knew Lieutenant Colonel BARKER very slightly (pg. 7). He was not familiar with Captain RODRIGUEZ's job (pg. 17). He could not

pinpoint the dates during which Major GAVIN was on leave (pg. 17).

b. Relationship between military and civilians.

There was a wide gap between the American military and the people (pg. 11). The rice harvest operation for 1968 was not as successful as it had been the preceding year because the preparations made by the Americal Division were not substantial enough (pg. 19). No plans were made to get all the rice, store it, or distribute it (pg. 19). The relationship between the District Senior Advisor, Major GAVIN, and the District Chief, Captain YHA, was not close (pg. 20). RESSEGUIE did not know whose fault this was, or whether this gap in relations continued after Lieutenant TAN became the district chief (pg. 22).

c. Military situation.

One could divide the VC controlled area from the ARVN controlled area by drawing a diagonal line west from Hill 85 down to the Song Tra Khuc River and somewhat east, and then to the northwest (pgs. 15, 16). Everything to the east was VC dominated (pgs. 15, 16).

d. RESSEGUIE's leave.

RESSEGUIE was out of the country from 2-19 March being married (pg. 6).

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EXHIBITS

[illegible]

(The hearing reconvened at 1602 hours, 20 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

The next witness is Mr. Robert W. RESSEGUIE.

(MR RESSEGUIE was called as a witness, was sworn and testified as follows:)

Mr. RESSEGUIE, for the record, will you please state your full name, occupation, and residence?

A. Robert William RESSEGUIE, I'm a student at Cornell University, Ithaca, New York, and my address there is 4-C Pleasant Grove Apartments, Ithaca, New York.

RCDR: Thank you.

IO: Mr. RESSEGUIE, is that the correct pronunciation of your name?

A. No, sir, RESSEGUIE.

Q. RESSEGUIE. Have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, I have, sir.

Q. Do you understand them or have any questions on them?

A. I understand them and I have no questions.

Q. Fine. On my left, Mr. RESSEGUIE, is Mr. Robert MACCRATE who is a civilian attorney. He has volunteered his services to the Secretary of the Army to assist me in this investigation and to also provide legal counsel to me and the other members of this inquiry team. On my right is Colonel ARMSTRONG who has been designated by the Office of the Chief of Staff to assist in this inquiry. Each of these gentlemen

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may address questions to you this afternoon. We also have other teams that are taking testimony from additional witnesses.

Of course, I will have the final responsibility for preparing the report, weighing the evidence, determining the facts, and making findings and recommendations.

We are directing that all of the military personnel who appear before this inquiry not discuss their testimony with others. In your instance, as a civilian, we cannot so direct. But we would request that you not discuss your testimony in this investigation with others including other witnesses for this investigation except as you may be required to do so before a competent administrative, judicial, or legislative body. It is possible that you may be requested or directed to appear before one of these committees of Congress. Specifically, there is a possibility that you may be so requested or directed to appear before the investigating subcommittee of the House Armed Services Committee. In that event, anything that you say here would in no way prevent you from testifying before that body.

I understand you have not been cited by the military judge in the general court-martial case of the United States v. Calley, is that correct?

A. I have not been so cited.

Q. Well, I bring this up only as a remote possibility. But if at any time you are so cited, your testimony here would in no way change either the effect or the applicability of such an order in either that case or any of the other court-martial cases which relate to what we now refer to as the My Lai incident. Do you have any questions at this time?

A. No, sir, I don't.

Q. Mr. RESSEGUIE, will you indicate what your employment or duty assignment was in the month or March 1968?

A. Yes, I was an employee of the State Department Agency for International Development and at that time I was the civilian district representative for USAID, at that time

called CORDS, for Quang Ngai Province, District of Binh Son. I was in charge of advising the district chief of that district on all civilian matters.

Q. How long had you been in that capacity?

A. I had been a district representative for, at that time, 1 year and 2 months, with a 3 month interval from September to December of 1967 when I was not present at that district.

Q. Yes. You were present there during Tet and on up into 1968, then?

A. Yes, I was present there from the 28th of December through the end of June--28th of December 1967 through the end of June 1968.

Q. Yes, which covers that period of March 1968 also. In June 1968, did you return to the States or did you have a change of assignment?

A. No, I resigned from USAID at that time; proceeded to Bangkok, Thailand, where my wife was living. On August 1st of that year, the same year, we returned to the United States. I was not an employee of the Government. Actually I was on leave without absence at that time until I returned to Washington in late August of that year.

Q. Do you speak Vietnamese?

A. Yes, I do.

Q. Fluently?

A. I got by 3 years without an interpreter. I wouldn't say I was fluent but I was able to get by on my own.

Q. Yes, and do you read it and write it?

A. Not very much. I can read signs and some things, but I can't sit down and read a newspaper, for example.

Q. Can or can't?

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A. I cannot, without some difficulty.

Q. How about an ordinary letter, for example? Could you read--

A. (Interposing) Some documents that come by, I could read. But if they were of any length and in detail I would have problems.

Q. Since this matter that we now know as the My Lai incident of 16 March 1968, has come to public attention which took place in the latter part of September or early October 1969, have you talked to anybody from province, from any of the advisory teams, or from the Americal Division concerning what may have transpired there, at that time?

A. The only person that I've talked to who was there at that time was a Mr. Ken SWAINBERG. He was at that time in the Army assigned to the Revolutionary Development Program in Quang Ngai. He was assigned to Quang Ngai City itself.

Q. Yes.

A. And he's the only person that I've talked to that I knew in Vietnam. Except on the phone I talked briefly with Mr. Jim MAY who was the province senior advisor at that time. And that's all.

Q. What was the name of the first gentleman you cited?
A major?

A. He was a--I don't know his rank, he was--his name was Kenneth SWAINBERG.

Q. SWAINBERG?

A. He's at Cornell.

Q. Would you spell that for me please?

A. S-W-A-I-N-B-E-R-G.

Q. All right. And he's at Cornell at the present time?

A. Yes.

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had much contact with were the one or two American Red Cross people who worked the refugee camps in that area around the district, and occasionally there would be a Vietnam Christian Service or a Quaker who might come through and be doing something in that area. But they were the only civilians that I--other social organizations that I worked with.

Q. How many of those people remained around after Tet?

A. Most of them. The Quakers stayed there as far as I can remember and the Vietnam Christian Service stayed there. The only ones that I think that left--there was a Canadian Team there also, I knew them socially but I didn't know them very well, I worked with them. The IVF volunteer, he remained I believe off and on. He worked at the province level mainly. The American Red Cross team, they stayed there as far as I can remember, also. One that worked up at district was there I know.

Q. Okay. During the period from the middle of March onward you remained pretty well at Binh Son then with the exception of the periodic trip that you'd make to Quang Ngai?

A. With the exception from the 2nd of March until the 16th, I believe that was a Saturday or Sunday; that weekend anyway, I was getting married. I was in Bangkok, Thailand for a 2-week period and I returned I believe Sunday or Monday of that week.

Q. The 16th was a Saturday.

A. Well, I believe I arrived in country, which would be Saigon, on Sunday the 17th and returned to province probably on Tuesday considering travel time.

Q. That would have made it about the 19th then roughly?

A. Yes, sir.

Q. And I would assume being able to speak Vietnamese, you had quite a few Vietnamese acquaintances, contacts?

A. Yes, I did.

Q. Were you acquainted with Task Force Barker with its base in LZ Dottie, located in Binh Son District?

A. Yes.

Q. Did you ever visit the fire base?

A. I believe I've visited LZ Dottie on two occasions while Task Force Barker was there and this was with regard to their civic action team: what they had in mind; what their civic action teams had to offer; what our programs consisted of; and what we thought their teams could do. Most of my contact with their people took place at the district headquarters when they would come up. I actually was only at LZ Dottie on two occasions.

Q. Yes. Who would come up to district?

A. Well, I don't recall their names but it would be a lieutenant and/or a captain and/or an NCO that was working on the civic actions team. I don't recall their names.

Q. The commander there was Colonel BARKER. Had you met him?

A. Only briefly on one or two occasions at briefings in Quang Ngai City. Now, I used to go down to the briefings which were held as much as I could. I believe they were on Friday or Thursday. I can't remember the day, but they would have weekly briefings and occasionally someone from the American or from one of the units in the province would--the commanding officer or the assistant would come down and I've only met him briefly.

Q. How about the other members of his staff such as Major CALHOUN, who was his executive officer and also the S3?

A. I don't recall the name.

Q. Yes. The S2, a Captain KOTOUC?

A. No.

Q. During this time you were out there at Binh Son or Quang Ngai, either through official channels or through your Vietnamese or American friends channels, did you ever hear of a report from a village chief to the district chief of Son Tinh pointing out that something unusual happened in My Lai or Tu Cung on or about the 15th or 16th of March 1968?

A. No, I never heard anything.

Q. Were you ever aware that the district chief had directed a memo to the province chief on this same subject?

A. District chief of Binh Son?

Q. No, of Son Tinh?

A. I was not aware of it.

Q. Did you ever see any VC propaganda which may have indicated something unusual took place out in Pinkville or out in the Batangan Peninsula which involved the killing of more than a few women and children?

A. No, I never saw any propaganda to that effect.

Q. I have here a document which has been entered into the record as Exhibit R-1. I will show you one of the inclosures and ask if you have ever seen this particular document. Have you ever heard such broadcasts, or heard anything about such a statement?

(Witness examines the document.)

A. You want me to read the whole thing, I've never seen it.

Q. You can go over it very quickly, the first page is--I wouldn't say it's innocuous but it's a rather normal VC tirade. At the top of the second page and specifically in the second paragraph is some information which normally is not put out in Viet Cong propaganda in such a specific sense.

A. No, I've never seen this before.

Q. Have you ever heard of anything such as this?

A. No.

Q. Have you ever heard of any broadcasts or of any slogans, any signs, arm bands, any other form of propaganda which would indicate revenge for something which may have taken place in this area?

A. I never heard of any incident of this sort related to this area of Son Tinh District.

Q. Were you ever aware that an investigation was under way within the GVN or ARVN channels?

A. No, I wasn't.

Q. How about the U.S. side?

A. No.

Q. Through rumors or casual remarks or anything of this nature did you ever have cause to suspect that something unusual might have taken place?

A. I might elaborate on my position at this time. In the, I believe it was the second week of January that year, when the Korean Marines and the U.S. Army were exchanging in this area, I was located at approximately this point right here (pointing to Exhibit MAP-1). And there was probably 1,200 refugees from this area and this area (indicating). They were to be located here temporarily and for 4 days of that week we were moving into Bo Tinh. Subsequent to that, I spent considerable time in Bo Tinh with these people and during all that time I never heard of anything that would, you know, allude to anything that's mentioned in here or My Lai.

Q. Now you are talking about January though, right?

A. That was January when we moved up in that area.

Q. Yes.

A. For the next 6 months, through June of that year, I worked rather closely with the people who had come from here at that time and others who came up from this area. I suppose they were mainly from the northern side of this inlet here (indicating) that had gone up to Bo Tinh. Working with those people and the Vietnamese officials involved with us, never did it come to my attention that there had been any type of advertence in this area.

Q. Another name that we have heard quite often in VC propaganda and reports is Co Luy, C-O L-U-Y, which we've

defined as the coastal strip referred to there as Co Lay (1), (2), and (3).

A. Yes.

Q. Did you ever hear of anything taking place there?

A. No, I haven't. I worked in that area but that was quite a bit before that. That was in the fall of 1965 through 1966. I worked rather--

Q. (Interposing) Yes. Are you pointing to the Co Luy south of the river or--

A. (Interposing) Yes, I'm pointing to an area south of the river, that area. You mean north or south of the river?

Q. Well, I'm talking about the area to the north of the Song Tra Khuc in the area we now see referred to as Co Lay (1), (2), and (3) right on the coast.

A. I see.

Q. The (3) there, yes.

A. No, the closest I ever worked to those areas was between the area, well An Loc.

Q. An Loc, yes?

A. That hamlet there (indicating), I've been out beyond there but that is as far as I've worked in that area.

Q. But you heard nothing concerning anything transpiring in Co Luy or Co Lay?

A. No, I heard nothing.

Q. Yes.

A. The closest I've gotten to this area is this hamlet of An Loc beyond this bridge.

Q. Yes.

30 20

A. No, I've heard of no incident in that area of any sort.

Q. I guess you were working fairly closely with people that had come not from that immediate area, but from the immediate area there, the adjacent villages and hamlets. Although they were moved to the north several miles there were still grapevines and so forth which could've brought the information to you?

A. I would say that if anything had happened here in this area, the people who had moved to this area and subsequently to Bo Tinh, in my opinion they would have known about it. And to my knowledge nothing was ever said that would allude to an incident of this nature.

Q. You think your personal relationship with those people up at Bo Tinh were such that if they did have some information, they'd have brought it to you?

A. Well I would think, from two aspects, one to make myself feel good, that my relationship with the people was such that they would've said something. Secondly, because of my position which was having access to resources, the fact that if anything of this nature would have happened, I think that I would have been one of the first to know about it so that they could get restitution for what had happened. Now, other times when a buffalo has gotten killed or a village has been fired upon by a helicopter or aircraft or something of this nature it doesn't take very long for the news to come out one way or another, and invariably we find out about. I don't feel myself that very much went by, of this type of activity that was heard about through, as you say, the grapevine. And I find it very difficult to believe that anything of this magnitude could've taken place without some leakage somewhere.

Q. Leakage into U.S. channels?

A. Leakage into Vietnamese channels. I can see why it might not get to American channels simply because of the communication gap between the American military, not the MACV advisory units, but the American military and the people, peasants. I think there was a very wide gap there. I don't think there was that type of a gap between myself and the peo-

ple I worked with, the GVN Officials, between them and the people, the peasants in that area. So my feeling is that if something of that nature did take place, or at least in that magnitude, that the people that I worked with would've heard about it through either the grapevine or somebody looking for restitution or looking for, I can't remember the name of it, but money for burial purposes and things of that nature.

Q. They are referred to as solatium payments.

A. Solatium payments, right, sir.

Q. That's the reason we've been addressing questions to you concerning possible information from your friends in the hospitals, for example. People who may have been wounded may have reported. From your work in the social order, have you had any contact with the Vietnamese in Quang Ngai at Son Tinh and Son My Village which could have possibly provided you even a shred of information?

A. Well one of my friends, an American, he was a male nurse in Quang Ngai and if I remember correctly he was, I'm not sure if he was there at that time, I can't say. His name was Jack THIEL.

Q. STEEL?

A. THIEL, T-H-I-E-L.

Q. Yes. I believe he lived with Mr. MAY, didn't he, in that house for a time?

A. Yes. And I can't remember if he was there, but if he was he would've heard something I think, or at least he was in a position to, working in the hospital.

Q. Yes.

A. And I don't recall him ever saying anything to that effect because, as I say, I just can't remember if he was there at that time. Of course, without repeating myself too much I have felt since I first heard of this My Lai incident that something of the magnitude that is spoken of in the papers

would have been impossible to conceal from the district chiefs or from the local refugees, social welfare and RD officials.

Q. Now that you've brought that out, I would respect that as quite a normal situation and a normal reaction. Now think back a little bit and think what the situation was in this immediate post-Tet period?

A. Yes.

Q. We're talking about roughly 45 days after Tet.

A. I see.

Q. But that didn't mean that the Tet Offensive was completed. I would imagine in Quang Ngai, as other areas, in some areas it went on for as long as 38 days. So would this have changed the complexion of the picture?

A. Well, I don't think so because of the areas we're talking about, the area of Bo Tinh and that, where these people would have gone to that I had contact with at that area. Now our efforts out there were greater at this time than they had been prior to the first of the year, because of the type of programs that we were working on out there, the safe hamlet type of programs. And I don't think the situation out there was any different because of Tet. Tet didn't effect Bo Tinh very much. The situation I don't believe was that much changed because of Tet, as far as official refugee, social welfare, or RVN officials at the province level. Now their time, especially the RD officials, was more occupied with areas immediately around the district headquarters area, getting the RD teams back into the villages and hamlets. The refugee and social welfare people had a bit more, though I wouldn't say an excessive amount of; I would say an awful lot more work to do because of Tet in that area, Binh Son. So that these people, the refugee and social welfare people, did spend time out in Bo Tinh with these people who came from this area. I would say some of them came from My Lai area but probably the bulk of them came from the area just adjacent to the north. But they did spend considerable time out there. If those people were going to say anything or knew of anything, there wouldn't have been any less an opportunity for them to say it after Tet.

Q. Yes. But let's assume now that even in Binh Son, which definitely wasn't as hard put, in the same sense as Son Tinh and Quang Ngai, those immediate environs, but let's say he did pick up a piece of information, because of his local situation, trying to get RF companies back out of the city and back out on the outpost where they belong and taking back over the countryside where this huge vacuum had been created, couldn't they have been so busy and so involved in that even though they had any other information they would shuck it off as being relatively unimportant.

A. It is quite possible. The other source of information that I banked on considerably was two people that worked for me. One was a local Vietnamese from Quang Ngai City and the other was, well, I believe he was what they refer to as a Nung.

Q. A Nung?

A. Yes, he was from Danang. But he was my driver. And the other fellow was what I would refer to as my field man. And I would send him out to hamlets, Bo Tinh being one of them, to stay for 2 or 3 days depending on what needed to be done out there. When I went out my driver usually went with me and he would go off on his own. I had a general habit of telling them to keep their ears open to anything, local gossip, and anything of that nature that they would have told me. And they didn't.

Q. The Nungs proved their loyalty more than a few times.

A. Yes.

Q. Nung is actually Chinese.

A. I didn't know that.

Mr. MACCRATE: How far to the north was Bo Tinh, where you had this safe hamlet?

IO: You might look on this other map (Exhibit MAP-5) over here Mr. RESSEGUIE. Just move that one aside and you can see all the way up to Chu Lai.

30 24

A. Son Tinh is here, the Batangan Peninsula is here. It was just about, just a little bit more than, 2 to 3 kilometers at the most to the east and north of the district headquarters.

MR MACCRATE: So it was quite a distance further north that this group moved after January.

A. Yes.

Q. And so that we're talking really about information moving from this Son My area over a number of kilometers up to people who had been really physically separated from their environment?

A. That's correct. The initial move of people was that second week of January. They were located around this area and they came from this area in here (indicating the Batangan Peninsula area). Some moved up here. Subsequent to that, there were additional people either brought in by helicopter, or who came up by boat, or who just walked up. There was also people who, once here, left and went back. Now the ratio of those who came and left and went back again, who might have picked up information, I don't know.

Q. This movement that you described, the subsequent movement, was then still in the spring of 1968?

A. Yes, this would have taken place, on, I would say there were people coming in through April. There may have been some that came up as late as May.

Q. To what extent did you find VC domination of an area tended to close out the information that you were getting from that area? We have had explained to us that there was a diagonal line that ran roughly west of Hill 85, running down to the Song Tra Khuc and somewhat to the east and then as it moved northward moving westward. And that everything to the east of that line was VC dominated and you did not go in without a military operation and that the information coming from this area was quite scattered and depended upon those who might be making their way to market or coming in for some other purpose into the Quang Ngai City area. Would that fairly describe the situation that you knew?

A. Yes, that's an accurate description I'd say. This area out in here was pretty well closed off to anybody except a fairly large military type operation.

Q. On the other hand we do understand that some people made their way out of Son My Village to the hospital at Quang Ngai City?

A. I don't think that's an impossibility. I believe, although I can't vouch for any of it, that there were a lot of fishing people along here and to my knowledge many of them did a lot of trading down in Phu Tah, the port which would be right in the mouth of the Tra Khuc River.

IO: Yes. Right near the naval base there, the junk base.

A. Yes, right opposite there.

Q. Yes.

A. And I don't think it was unknown that people came from this area down here by boat. If not by boat, there was traffic along this road here.

MR MACCRATE: 521?

A. I don't know the number but this road right here.

Q. Yes, that is 521.

A. Yes. There was traffic along this road to the market areas around the citadel here and on in further. And many of these people trading came from this area back in here, so there wasn't--and Lambrettas use to run to this area out in here as it was not impossible for people to come in.

Q. Did you know the personnel, the U.S. personnel, at the Son Tinh District headquarters?

A. I believe Major GAVIN. I don't know whether he's a Lieutenant Colonel yet or not. He was the district senior advisor and I don't know his assistant's name.

Q. You remember a Captain RODRIQUEZ?

A. Yes, I do.

Q. Do you recall anything about Captain RODRIGUEZ and his operation, what his responsibility was, how he functioned?

A. No, I couldn't say because I didn't visit district headquarters, Son Tinh very often. I split my time in the spring of 1967 between Son Tinh and Binh Son. But after that time from say July 7th on, I didn't do any work in Son Tinh at all. So I knew Captain RODRIGUEZ. I don't know what his functions were in that particular team.

Q. Were you aware that Major GAVIN was absent for a period of an extended leave during the spring of 1968? We understand that there was a time he was absent and he was married at this time, in fact, while he was on leave. Does that ring any bell with you? We've been trying to fix the time that he was absent. One of the witnesses has related it to Easter which fell on the 14th of April.

A. I don't think I can be specific. I recall that he went on home leave, I believe, and then came back for a second assignment at Son Tinh District. This must have been, it had to be prior to June of that year anyway because I left then. And he was back by that time as far as I can recall. But when he left and went to the States I just don't know.

Q. Do you recall when you visited Task Force Barker at LZ Dottie and met with the civil action team there? Can you fix that in a time zone?

A. It was after Tet. About how long after Tet? Well, it was between Tet and when I left on my 2-week leave which was--I left on a flight out on the 2nd of March, it was a Saturday, I believe. And I must have left Quang Ngai going on leave the Wednesday or Thursday of that preceeding week. So it would be some time between. In fact, let me see, I returned I wasn't in Quang Ngai at Tet. I didn't return until the 8th of February to Binh Son. Then I left again on the last day or next to the last of February. So visited that area during that time, but I can't nail down a day.

Q. But you would suggest that it would be late in February 1968 that you visited LZ Dottie?

A. Yes, it was between that time.

Q. Did you take away any general appraisal of the people with whom you dealt there? Were you terribly discouraged or pleased? Was this one of the weaker spots or one of the happier spots? Was there a special recollection that you took away from it?

A. Well, it wasn't the best visit I ever had to a place because they had just take over what had been a Korean AO, and they had a lot of military problems. Although they had a civic action team and they had a officer in charge of the civic action team, I didn't get the attention that I probably would like to have got on my visit there.

Q. Now was this civic action team actually with the task force or was this someone that had come over from the 11th Brigade at Duc Pho under whose command the task force operated?

A. I really don't know. The only thing I know is that they were they and assigned to the task force area at LZ Dottie.

Q. And you can't recall any of the individuals involved?

A. No.

IO: One of things that we understand is that when they completed this operation, at least some of the companies, I'm not sure all the companies were involved in it, but some of the companies deployed further north in a rice harvest protection operation. I believe you normally refer to this as Golden Fleece. This would be about the 20th or the 22d when the companies deployed in that area. Do you recall that?

A. No.

Q. A/1/20, and I would understand that they had their headquarters on a hill which was referred to as Monastery Hill.

A. I don't recall that name, the monastery. All that I recall of the rice harvest operation was that it wasn't very organized. At district we didn't get very excited about it because it appeared to us, at that time anyway, that preparations weren't substantial enough to really get all the rice, or what they were going to do with it, where it was going to be stored, and who was going to get it.

Q. Who planned the operation, do you know?

A. Well

Q. (Interposing) You were connected with this sort of business there at Binh Son. Had it been planned at district?

A. Not the initial plans, no. The initial plans, to my knowledge, came from the American Division and we at district were the rice, where we thought the rice would be, and the avenues for getting it to specific places. But as I recall, compared to the previous year, it was not very extensive or successful. Nor did we get very involved in it. I don't recall how much rice came into district. Some did come in to district warehouses, actually to one district warehouse that was there, and this was subsequently distributed by the district chief to the refugee camps. But I just don't know what happened to all of the rice that was taken in and I don't really recall all the area they went into to gather it because these were military operations. I did not go out on any of these rice harvesting operations. So that's the extent of my knowledge.

Q. The initial orders came from the division or from the military units and not from the GVN or the CORDS side of the house?

A. Right, to my knowledge these came out of division. These Golden Fleece were military operations which I believe were initiated by the Marines when they were in that area. The CORDS were of course brought in on it because of their role there, but I believe it was secondary to the actual initiation of this plan.

Q. Well, as in several other cases, Mr. RESSEGUIE, you've been very helpful. I wouldn't say that we've hit a dry well, because you have provided us a lot of information, background and insight into different areas.

(RESSEGUIE)

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This will be very helpful actually in trying to portray the situation in the area at that time.

MR MACCRATE: Mr. RESSEGUIE, there was information at Son Tinh District. This information seems only to have been shared on a limited basis. You were obviously a very respected member of this team and one that had considerable knowledge. We heard your name all around as we talked to various people who had been there and I would appreciate your evaluation of any problems that you were aware of in the Son Tinh District headquarters that might suggest why this information may have stopped short of distribution.

A. Well my impression of Son Tinh District, in terms of the relationship between the MACV advisory team and the district Vietnamese team, was that there was a substantial gap in relations and I don't believe that this hill, which is where district is located, I don't believe there was a team working up there. This is only from hearsay and a few visits that I've made to that headquarters. That it was more of a, on the American side, a military enclave rather than a joint military and civilian operation. By that I mean that the emphasis was on military efforts rather than on both military and civilian efforts. I don't believe that there were close enough relationships between the district senior advisor and the district chief's confiding in the advisor. Now pertaining to military matters, if there was an imminent attack, let's say that evening, why, I believe they'd talk about it and prepare. But I'm not sure that regarding other types of matters that the district senior advisor.

Q. But Mr. SITTIG had pretty good relations, did he not?

A. I'm not--

Q. (Interposing) With the district chief?

A. Yes, I'm not referring to him though.

Q. But Mr. SITTIG was there and he indicates that he was not made aware of what the district chief knew.

A. Well, I can only say that's quite possible. I would say that Mr. SITTING, in my observation, would be that he had good relationships with the Vietnamese officials, Mr. CHI and his staff, at the district. Now I can't honestly say that I know who the district chief was at that time.

Q. You remember Lieutenant TAN? T-A-N.

A. Yes. I don't recall the name. The district chief that I knew at the time that I visited was Captain YHA (phonetic). And the one--I really didn't know the district chief. So when I say I don't think the district senior advisor and the district chief had real good relationship that implies that I'm laying the fault on the district senior advisor. But I can't honestly say that it might not have been the district chief's fault.

Q. Do you know when the change occurred, with the district chiefs? Was that just at the beginning of 1968?

A. I believe it had to be after the first of the year because as I recall when I left province to return to district on the 28th of December, that Captain YHA was still there and it must have been shortly thereafter that he was brought back to province to work. But I cannot name a date.

IO: That's about as I recall, I think it was either late December or early January that TAN took over.

MR MACCRATE: So we had new relationships?

A. Yes.

Q. The relationship that you saw between the district chief and the district senior advisor that would have been the relationship which existed between Captain YHA and Major GAVIN, at the time?

A. In the main, yes.

Q. Yes. But, do you know whether this persisted after Lieutenant TAN came in?

A. I can't say that I ever saw the two, the new district chief and the district senior advisor, together on any of my visits to that headquarters after that time. I can recall when Captain YHA was there, but I can't say that I really recall observing both of them together, when it was the new district chief. What I base my opinions on after Captain YHA, was what I heard mainly.

Q. Now up until Tet or thereabouts, if I'm not mistaken, YHA and for that matter TAN lived down in the district or in the village by the district, which I believe is Ly Loc?

A. Well, the district headquarters is--

Q. (Interposing) Generally located on the hill to the southeast from there isn't it?

A. Yes. The district headquarters, I believe, is on this hill here (indicating hill on map). No, below this hill, its blocked out here.

Q. Yes.

A. A smaller hill right here.

Q. Yes.

A. There it is, An Son, that hill right there.

Q. Yes, but up to this time the district chief lived in the village downtown?

A. Well, I can't say for sure for there were times when they all were up on top of the hill. But I do believe that Captain YHA moved his headquarters down into the compound down there just off the main road.

Q. That's what I was lead to believe but that then they all joined up together on top of the hill and would go down and do district business during the daylight hours, but would return to the subsector headquarters during hours of darkness.

A. That was the general procedure. I don't know exactly when Captain YHA had his nighttime headquarters down there, but I do believe there was a period of time or at least an intermittent period which he did stay down in that lower headquarters.

IO: I'd like to thank you very much for coming in today.

This hearing will recess.

(The hearing recessed at 1703 hours, 20 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: CRADDOCK, George L. SFC

DATE OF TESTIMONY: 20 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assigned to the Son Tinh Subsector as the civic action Psyops advisor.

1. KNOWLEDGE ABOUT THE MY LAI OPERATION.

CRADDOCK did not know that Task Force Barker had a temporary AO extension into the 2d ARVN Division's AO in mid-March 1968 (pg. 5). However, he did know about operations into the Son Tinh District (pgs. 5, 6).

2. KNOWLEDGE ABOUT AN INVESTIGATION OF THE INCIDENT.

CRADDOCK never heard about a report coming into the Vietnamese district chief from the Son My Village Chief (pgs. 6, 7). He never heard of a report prepared by the district chief for the province chief concerning what might have transpired in the Son My area in mid-March (pg. 7). The witness never saw either of TAN's letters to KHIEN (Exhibits M-28, M-34) (pgs. 7, 8). He never saw or heard about RODRIGUEZ's statement (Exhibit M-30) (pg. 8). He saw no VC propaganda focusing on the Son My area (pg. 10). He heard nothing about an investigation being conducted by the U.S., GVN, or ARVN's into something that might have happened in the Pinkville area in mid-March (pgs. 12, 13).

3. OTHER INFORMATION.

a. The only person to whom he had spoken about the My Lai incident since it broke in the press was Sergeant JOHNSON from Task Force Barker (pg. 3).

(CRADDOCK)

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b. CRADDOCK's primary military duty was to assess bomb or artillery damage and pay the Vietnamese for it (pg. 3). On the civil side they started newspapers and worked with refugees (pgs. 3, 4).

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EXHIBITS

[illegible]

(The hearing reconvened at 1338 hours, 20 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

Sir, the next witness is Sergeant George L. CRADDOCK.

(SGT CRADDOCK was called as a witness, was sworn, and testified as follows:)

Sergeant CRADDOCK, for the record, will you please state your full name, grade, Social Security number, organization, and station?

A. George L. CRADDOCK, Sergeant First Class, Intelligence School, Intelligence Analyst Course, Fort Hollabird, Maryland.

IO: Sergeant CRADDOCK, have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you understand them, or do you have any questions?

A. Yes, sir. I understand them, and I have no questions.

Q. Sergeant CRADDOCK, aside from myself, here on my left is Mr. Robert MACCRATE who has volunteered his services to Secretary RESOR to assist me in this inquiry and also to provide legal counsel to me and other members of the inquiry team. On my right is Colonel ARMSTRONG who has been assigned by the Office of the Chief of Staff as an assistant to help me in the conduct of this inquiry. Each of them may address questions to you this afternoon, as well as myself. We have other groups of people on the inquiry team who are likewise taking testimony from people. In the final analysis, however, I will be responsible for putting together the report, weighing the evidence, and also making the findings and the recommendations.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this

investigation, except as may be necessary in the performance of official duty or as you may be required so to do before a competent judicial, administrative, or legislative body. I use the term legislative because there is a possibility that you will be required to appear before one of the committees of the Congress; most likely, the investigation subcommittee of the House Armed Services Committee, in which event your appearance here will in no way affect your appearance or your testimony before that body. To my knowledge you have not been cited by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. Yes, sir.

Q. I don't think you will be, but should you ever be cited by either that military judge or any of the other military judges serving in the cases related to the My Lai incident, your appearance here would in no way change the effect or the applicability of such orders. Do you have any questions at this time?

A. No, sir.

Q. Sergeant CRADDOCK, will you indicate your duty assignment in about the middle of March 1968?

A. Yes, sir. I was assigned to the Son Tinh Subsector as the civic action PSYOP advisor.

Q. How long had you served in that capacity?

A. From about the middle of July 1967.

Q. When did you leave the job?

A. In June 1968.

Q. About a year, then?

A. Yes, sir.

Q. Do you speak Vietnamese?

A. Just a little, sir. I had 8 months of it at Fort Bliss, Texas.

Q. Do you read it and write it?

A. Yes, sir.

Q. Since the matter of the My Lai incident became a matter of public knowledge, Sergeant CRADDOCK, which took place in about September, October 1969, which is to say 4 or 5 months ago, have you had any discussions with anybody concerning the My Lai incident or its investigative process, anybody from your subsector team or from the sector team or from the 2d ARVN Division advisory team or the personnel from the Americal Division?

A. No one from the subsector team that I was with. I haven't seen any of those since I left. There was one sergeant, Master Sergeant JOHNSON, in the S3 section that I work in at Fort Benning. I believe he was assigned to Task Force Barker, in that area, and he mentioned, you know, that My Lai was in Son Tinh, did I know anything about it, and things like that? But aside from that, I think that was the only person.

Q. You indicated you were a noncommissioned officer advisor working in the area of civic action and psychological operations in Son Tinh District?

A. Yes, sir.

Q. Would you explain what your duties were?

A. Yes, sir. Primarily, I worked with the military, the Vietnamese military sergeant in charge of civic action in the civilian sector. Our primary duty in the military was to assess bomb damages, things like that, out in the neighboring villages when an American plane would drop a bomb, or maybe some of the artillery would go off in the wrong area, something like this. We'd go out and assess how much damage was done, and pay these people so much money to fix their houses and things like this. In the civilian aspect, we set up, like, MEDCAPS, and we started newspapers which were distributed around the villages, and things like this.

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- Q. You knew him, though?
- A. Right, sir.
- Q. Do you know whether DAWKINS spoke Vietnamese or not?
- A. No, sir. I don't think so.
- Q. Did you work at all with Mr. SITTIG?
- A. Right, he was a civilian. He was working with USAID, and he assisted sometimes on MEDCAPS and things like this. He got us a lot of equipment and things of this nature.
- Q. Were you familiar with Task Force Barker?
- A. I was familiar with its location, you know, general location. I didn't know too much about it. No, sir.
- Q. Had you ever been up to visit them up at LZ Dottie?
- A. No, sir.
- Q. Were you familiar with their general area of operations?
- A. Yes, sir.
- Q. Which is generally where?
- A. It was north. It was more in the Binh Son District. They had operational control in that district, up in there.
- Q. Were you aware, as is shown on this map here, Sergeant CRADDOCK, of the fact that they had a temporary AO extension down in the area of the 2d ARVN Division (referring to Exhibit MAP-1)?
- A. No, sir.
- Q. This would have been in the period of about the middle of March 1968. That would be generally due east, maybe a little bit north of where you were located. You were located on Highway 1 over there, if you will notice, in Son Tinh District. Did you ever hear anything about their operations out into this area?

A. Yes, sir. They operated throughout this area up in here, and there was a couple of times, you know, they came down and talked to the senior advisor. Everyone had to get permission to fire artillery and things like this into our area. So it was my impression that they were getting permission to operate in our area and like this.

Q. Your area was pretty far. This actually was the area of the 2d ARVN Division, wasn't it?

A. Right, it actually belonged to them, but we were the advisors from the river north to about here (indicating on Exhibit MAP-1), and we had more or less control of artillery and things like that. If any American artillery or something wanted to fire in there, they had to call first and get permission in case we had outposts and things like this around the area.

Q. Now, I know that I'm trying to take you back quite a little ways--

A. (Interposing) Right. I have been trying to think back that far.

Q. Well, it's now January 1970, and I'm taking you back 22 months ago, but I would ask that you try to recollect to the very best of your capability as to what transpired and what you saw or what you may have heard, because these things become quite relevant in what we are doing. I also know that the very many, many district teams that I've worked with and that I've inspected and that I've talked to, the district teams, of necessity, all live very closely together. There really isn't much distinction between the officers and the enlisted personnel. It's just a small group of people working together, trying to accomplish a mutual objective. So, generally speaking, I think I'm trying to indicate to you that you'd probably know more in a situation such as this than most sergeants first class would, as far as a tactical organization is concerned.

A. Right.

Q. Did you ever hear of a report coming into district from the Son My Village chief, coming to the district chief about--

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- A. (Interposing) Vietnamese district chief?
- Q. Yes.
- A. No, sir.
- Q. Do you remember who your district chief was at that time?
- A. In March, I think it was Lieutenant TAN.
- Q. Yes, T-A-N?
- A. Right, T-A-N. I wouldn't remember. You mean messages coming in from the Vietnamese, from Son My to--
- Q. (Interposing) Yes.
- A. We wouldn't get involved in that, because that would come through the Vietnamese channels.
- Q. Yes, but you lived and worked with the Vietnamese, didn't you? Didn't they normally--
- A. (Interposing) They had an operational bunker separate from ours. We were on the American channel only.
- Q. I'm just thinking, though, that if the district chief received a report that he very likely, or his intelligence people, would make it known to the members of the American team that were serving as his advisors?
- A. I don't remember any reports. No, sir.
- Q. Did you ever hear of a report which the Son Tinh District chief was preparing for the province chief concerning what might have transpired out in Son My area in about the middle of March?
- A. You mean after March that he was preparing? No, sir.
- Q. I have here Exhibit M-28, which is a memorandum from the district chief to the province chief, dated 28 March. Were you ever familiar with anything like this?

A. No, sir.

Q. I have here Exhibit M-34, which is dated the 11th of April, from the district chief to the province chief. Did anybody ever talk to you about anything like that?

A. No, sir. First I've even imagined.

Q. You'll notice that a copy of it was sent to the 2d ARVN Division headquarters. You'll also notice that a copy of it went to MACV, Quang Ngai Sector. Nobody on your team ever indicated that they knew anything about that?

A. No, sir.

Q. I have here Exhibit M-30, dated 14 April 1968, which is a statement signed by Captain Angel M. RODRIGUEZ. The copy you are looking at, sergeant, is very difficult to read. We have a clear copy underneath it.

A. Yes, sir.

Q. Did Captain RODRIGUEZ ever talk to you about that?

A. No, sir.

Q. Did Captain RODRIGUEZ speak or read or write Vietnamese?

A. No, sir. He didn't.

Q. If he had this translated, then--you'll notice he cited the letter of 11 April--and if he had that translated, somebody would have to do it for him, wouldn't they?

A. Right, sir.

Q. And he also talks about a letter from the village chief of Son My Village. If that were in Vietnamese, he'd have to have somebody translate that?

A. Right.

Q. Did you ever see the original Vietnamese versions and asked to translate them?

A. No, sir. We had a Vietnamese interpreter. Probably he would have been used if he used anyone. This is the first I've even known about it, when it was in the papers, when it first came out in the papers. That was the first I'd heard about it. I don't know, we were pretty close. I don't know how they kept it from me, but this is the first I knew about it.

Q. Captain RODRIGUEZ never mentioned this to you?

A. No, sir.

Q. Do you remember when Major GAVIN left to go to the United States?

A. Right, he left, I think, in May.

Q. May?

A. I believe it was in May, because I left before he came back, I believe. I am pretty sure it was in May, April or May.

Q. Well, if he were absent at this particular time--I believe this was a re-up leave, or an extension leave?

A. Right, he extended for 6 months, and I'm pretty sure it was in May, because his time was up in May, and I believe he extended just before his time was up.

Q. We have a pretty good indication that he returned from his extension leave back to the United States just about in the middle of April.

A. In the middle of April?

Q. So he would have been there maybe a couple of months prior to your departure. You left in June, didn't you say?

A. I left in June, right, sir.

MR MACCRATE: We are told that Easter in 1968 was the 14th of April, if that helps you to fix any time.

A. Not really. I don't remember Easter, for that matter. If you say he came back in April, then he came back. But

I thought he came back just before I left, because I went down to the sector about the last week of May, I think.

IO: Well, the important thing is, from your point of view as far as this document is concerned, you were not made privy to the document or the information contained in it?

A. No, sir.

Q. Since it is signed by RODRIGUEZ, I think it is logical to assume that at that time Major GAVIN was not there. Did you ever see any Viet Cong propaganda, which focused upon the Son My area, using the terms which are generally known in that area, not which are on the map, like My Lai? My Lai was generally referred to as Tu Cung and Co Luy, C-O L-U-Y.

A. No, sir.

Q. I have here Exhibit R-1, dated 24 April 1968, and I would like to show you one of the inclosures to this report. This is a two-page piece of VC propaganda, and I'd like to have you look at that and see if you have ever seen this particular piece of propaganda or anything quite like it. Did you ever see that?

A. No, sir.

Q. Did you ever hear about anything like that?

A. No, sir.

Q. You were accustomed to seeing a lot of propaganda like that on the first page, I would imagine, were you not?

A. Right, we would pick up some leaflets when we'd go on operations. We'd maybe pick up some leaflets that would be laying around, but usually they'd just be pictures with a couple two or three words, like, "American, go home," something of that nature, but nothing like a whole page or anything like that.

Q. Did you have many visits by the senior officers of the tactical units, like from the Americal Division or the 11th Brigade, stop by to see your people at your district, Son Tinh?

A. I don't remember their names, with the exception of Colonel BARKER. I remember him coming down a couple of times. We did get some visits from him. I don't know whether that was a full colonel that came down or where he was from. I don't remember where he was from. The only one I remember specifically was Colonel BARKER. He came down a couple of times, because I worked with his civic action officer one time.

Q. Did you ever see the commander of the 11th Brigade there, who was a Colonel then?

A. What was his name, sir?

Q. By the name of HENDERSON? Along about that later part of March or April?

A. I don't remember him. No, sir.

Q. Did many of the staff officers from Task Force Barker stop in?

A. Well, the main one was a captain. I think he was the S5 or G5. He came down, and we set up a MEDCAP one time on one of our hamlets, and he used to come down about once a week there for about a month before they moved or something like that, and he didn't come down any more. That was about the only one that came down there, you know, more than two or three times.

Q. Did they come down there very often to also pick up the National Police, and I think you had some ARVN personnel there as well?

A. We had ARVN there, right.

Q. Do you know the name of the captain that came in?

A. No, sir. I don't remember his name. He was a real tall captain. I don't remember what his name was.

Q. Was his name KOTOUK?

A. No, sir.

Q. Intelligence officer for Task Force Barker?

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- A. A captain? I don't remember him. No, sir.
- Q. Do you recall a Major CALHOUN?
- A. No.
- Q. From the 11th Brigade, did you ever see or hear of a Colonel BLACKLEDGE?
- A. No, sir.
- Q. A Major MCKNIGHT?
- A. I don't remember. Seems like maybe Major MCKNIGHT's name is familiar, but I'm not sure.
- Q. What about from the Americal Division headquarters? General KOSTER, you'd remember if he stopped by?
- A. No, sir. He didn't stop by.
- Q. How about General YOUNG? Y-O-U-N-G?
- A. No, sir.
- Q. I have here some pictures, and you can see the names on them: Colonel HENDERSON, Major CALHOUN, Captain KOTOUC, and this is Colonel BLACKLEDGE. Take a look at those and see if you recall any of those people having been there.
- A. I remember this name, MCKNIGHT. Maybe he was different in fatigues and dirty and all that, but that doesn't look like him.
- Q. Remember, you are looking at the green uniform there, not the jungle fatigues.
- A. Right. I can't say for certain whether he was ever there or not, sir.
- Q. Let it be known for the record that he was shown the pictures of Colonel HENDERSON, Lieutenant Colonel BLACKLEDGE, Major CALHOUN, Major MCKNIGHT, and Captain KOTOUC. He does not identify any of them with the pictures. While you were there, Sergeant CRADDOCK, did you hear anything at all concerning an

investigation being conducted by the GVN or the ARVN's as to what might have happened in this Pinkville area about that time?

A. No, sir. Like I say, the first time that I even had any inkling that anything had happened at My Lai or any place like that was when it came out in the newspapers.

Q. Don't you think it rather preposterous, though, that this business could have been going on right in the district headquarters and the sector headquarters? You are part of this small sector team, and you wouldn't know anything about this?

A. No, sir.

Q. Seems rather unusual, doesn't it?

A. Yes, sir. It does at this time.

Q. Of course, you don't know what else went on that you didn't know about either?

A. Right, sir.

Q. Did you ever hear of an investigation being conducted on the U.S. side?

(Witness shakes head in the negative.)

MR MACCRATE: In addition to yourself, Sergeant CRADDOCK, were there any other enlisted personnel at the Son Tinh District?

A. Yes, sir. We had a light infantrymen advisor. I don't remember his name, though. He was an SFC. We had a radio operator who was a PFC LANCE. We had a medic, and I don't remember his name either. He was an SFC.

Q. What kind of equipment did you have so far as typewriters were concerned? Did you have one typewriter or more?

A. We had one typewriter that, I believe, belonged to the Vietnamese. You know, they'd provide us with equipment, but we did have one typewriter. Yes, sir.

Q. Who worked that typewriter when it was worked?

A. Oh, myself, and I don't know whether Captain RODRIGUEZ ever did. I believe he probably used it sometimes to write up reports with. Mr. SITTIG, I think he used it quite a bit. That would be about all that used it.

IO: How about the medic?

A. The medic?

Q. Yes.

A. He usually made monthly reports for equipment, but I think he wrote his out in longhand. I don't think he typed.

Q. Who used to type your monthly district reports?

A. Captain RODRIGUEZ typed it. You mean, like, what villages belonged to the VC?

Q. Well, you used to have to write out your HES reports, for example, then you would have to write an analysis. You also had to explain what you did for civic action; you had to explain what you did PSYOPS; you had to explain what you did DIOCC, you--

A. (Interposing) Right, that's what I used it for, PSYOPS. I think Captain RODRIGUEZ used it the most, I would think.

MR MACCRATE: What kind of files did you keep at the district headquarters?

A. Well, we had files on intelligence reports that we would get. We kept the ones from the National Police, the ones from the regular Military channels--

IO: (Interposing) Did you keep those, or would those be kept in the DIOCC?

A. At one time, we had our operational administrative type down in the village, and we were up on the hill. Then we moved out, moved all our stuff up on the hill. We built underground bunkers. We moved everything in there in a filing cabinet.

Q. Did you do that right after Tet?

A. Well, that was right around that time. Yes, sir. We kept files like that in there. We didn't have too elaborate a filing system.

Q. Where was your DIOCC located? Was it located down in the village or on the hill?

A. It was located down in the village, in the Vietnamese compound that was inside the village.

MR MACCRATE: You started to mention that you thought you had seen a full colonel visit at Son Tinh District. Do you recall who that was?

A. No, sir, I can't recall where he was from. It seems like he may have been the one that took Colonel BARKER's place. Colonel BARKER got killed in a helicopter crash. Someone took his place, and I think he may have been the one that came down to visit or something like that. I just can't recall who.

Q. What was the farthest east that you yourself ever moved east of Route 1, Highway 1?

A. I think probably out here in Son Hoi, An Loc. I think maybe Son Hoi. There was one hill we were on, and, well, Son My. I think Son Hoi was probably the farthest east.

Q. You say there was a hill there? Was that hill immediately to the north of where the coordinate 77 appears on the map there (referring to Exhibit MAP-1)? It looks like the number 10 above that.

A. No, this hill was down by this river. We could look down to the river from it. It may have been Nui Ngang, right here.

IO: Just northwest of My Khe (2)?

A. Right, here at 7276. My Khe (2), right just to the east of it.

MR MACCRATE: Do you remember the operation that was going on at the time that Colonel BARKER was killed in the collision of the aircraft?

A. Yes, sir. Well, I don't remember what all was going on, but I think the American unit was trying to come down from the north, this way, along the coast here. I don't know what portion of the Vietnamese were supposed to be standing along this way to block as a blocking force, and we were out, I think, the day that Colonel BARKER got killed. We were out, but we had come back in to Son Tinh, and then Lieutenant DAWKINS and I went back out for the night, and we went up on Nui Tien right here (referring to Exhibit MAP-1), and we set up communication.

Q. The hill east--

A. (Interposing) The hill directly east of Son Tinh. The tall--there was a Buddhist camp or Buddhist place up on top of the hill.

Q. Was there a monastery up there?

A. Monastery? Right, sir.

Q. Well, was that known as Monastery Hill, or was Monastery Hill up to the north?

A. That was known as what we called Buddha Hill.

Q. You called it what?

A. It was just directly east of our area there. I don't see it right now.

Q. Nui Tien?

A. Nui Tien, right there. I believe that's it, right there. It's the tallest one around. They had a rock quarry around the hill. You know, you can go up and buy rocks and things like this, and there was a Buddhist monastery on top of it.

IO: Quite a promontory?

A. Right. It's about the biggest. I guess it's about the tallest hill around the area. I think that's it right there, Nui Tien.

MR MACCRATE: Well, do you remember being out farther along Route 521 during the day that Colonel BARKER was killed?

IO: Up in the area of what they referred to as the Citadel?

A. The Citadel, right.

Q. You can see the citadel there. It shows very plainly. It's the big square area there.

A. Right here (indicating on Exhibit MAP-1)?

Q. Yes.

A. We were out closer. Seems like we were farther out over here. Anyway, we were out there, and then we came back. I believe the crash happened in the afternoon or something like that, and they had some patrols trying to get to the helicopter and some of the advisors, I believe, from province or something like that. We set up a communications bunker, sort of like a remote control station between the patrols and Quang Ngai, to relay messages, et cetera.

MR MACCRATE: Do you remember seeing Colonel KHIEN, the province chief, out there that day?

A. No, sir.

IO: How about Colonel GREEN? Did you see him out there that day?

A. Yes, sir. He was on Buddha Hill when we came up, and then I believe he left. We stayed there all night; he left and went back.

MR MACCRATE: Do you know a Mr. RESSEGUIE, R-E-S-S-E-G-U-I-E, Robert RESSEGUIE, I believe?

A. Right, "Cowboy Bill," I think we called him. Yes, sir.

Q. Did he from time to time come to Son Tinh headquarters?

A. Yes, sir. Back in July 1967, he used to stay on the hill with us, and then, he didn't stay there all the time, but sometime he came up and stayed 2 or 3 days, and then he left again. Then he moved his operation farther up, I think to Binh Son, somewhere in that area; and he stayed up there a while. Mr. SITTIG came and he stayed around there for a while, then he moved to Quang Ngai, but "Cowboy Bill," he came back down now and then to visit us. Yes, sir.

Q. Do you have any recollection of seeing him around headquarters along about March or April 1968?

A. I don't, not specifically. No, sir. Like I say, he came back now and then. About the end of the time that I was there, maybe I'd seen him about three times, I guess, in the last 6 months that I was there. I don't recall exactly when.

IO: You don't remember any of these reports or anything about any of these papers and so forth?

A. No, sir, I'm afraid not.

Q. Well, as you know, because of the nature of our inquiry, which is into the investigative process to find out if the situation was reported satisfactorily or not; when the reports were received, were they reviewed properly or not; and whether appropriate action was taken, that is why we're asking all these questions about these papers which may have been associated with it. Now, undoubtedly, today we have given you information which you did not have, but this also may go in place alongside of other information you have stored way back in the back of your mind, and this may refresh your memory somewhat to some of these events which may have transpired. So if you do recollect anything in the future that you saw or that you heard, we'd like very much to have you get in touch with us. Major LYNN will tell you how to do that. In addition, if you have any papers, any maps, any photographs, memoranda, letters, or anything of this nature which bear upon this problem and the investigation of it, we'd like to have those. Can you think of any at the present time?

A. No, sir.

Q. We'll give you an opportunity at this time if you so desire to ask any questions that you may like to ask for clarification or if you would like to enter a statement into the record.

A. No, sir.

MR MACCRATE: May I ask you one question, Sergeant CRADDOCK? Prior to the time you left in June 1968, did you take any steps to clean the files, put the files in order, and perhaps send some of the file material from district headquarters to a repository here in the United States?

A. No, sir. The only action I took when I left was I wrote a brief summary for whoever was going to take my place, you know, and tell him what I had accomplished and et cetera, and what was going on and who to go contact and things like that. I didn't change any files or anything like that.

IO: The hearing will recess at this time.

(The hearing recessed at 1427 hours, 20 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: DAWKINS, Clarence J. CPT

DATE OF TESTIMONY: 23 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Intelligence Advisor,
Son Tinh District, Republic of Vietnam.

1. KNOWLEDGE OF ALLEGATIONS.

a. Discussions.

The witness stated that he can recall a discussion concerning the alleged incident with Lieutenant Colonel GAVIN and Captain RODRIGUEZ (pg. 4). He believed from the discussion that GAVIN and RODRIGUEZ had already talked about the allegations (pg. 12). He recalled that the discussion centered on the allegations of 300 to 400 persons having been killed (pgs. 5, 6). He stated that the principal matter that he can recall in the discussion was that he did not believe the allegation that a mass killing and the destruction of 90 percent of the houses in the village had actually happened (pg. 12). The witness did not recall ever hearing the figures 128 VC KIA, two U.S. killed, 11 U.S. wounded, and three weapons captured (pg. 21).

b. Documents.

The witness stated that he vaguely recalled seeing an allegation that many people were killed and 90 percent of an village destroyed. He could not recall the source of this information (pgs. 8, 9). He stated that he disbelieved this VC propaganda saying so many people were killed, because he had heard no reports about it from any other source (pgs. 29, 30). Exhibits shown to the witness are

(DAWKINS)

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listed below.

c. Action.

The witness recalled that RODRIGUEZ was doing most of the work concerning these allegations. He did not know who assisted RODRIGUEZ in the translation of any documents, but thought it was probably TU, the team's interpreter (pgs. 6-8). He did not recall whether or not Lieutenant Colonel GAVIN spoke with Lieutenant Colonel BARKER about this matter (pgs. 13, 14). He did not remember any discussion between GUINN and either GAVIN or RODRIGUEZ (pgs. 13, 14). He stated further that he knew of no information being passed from GAVIN to the American advisors at Quang Ngai (pg. 14).

2. INFORMATION PASSED TO VIETNAMESE.

The witness did not recall any information being passed from GAVIN and RODRIGUEZ to the village chief or district chief concerning these allegations (pgs. 13, 31). He did not recall any report that the Quang Ngai Province Chief was particularly upset about the alleged incident (pg. 28).

3. OTHER INFORMATION.

a. Investigations.

The witness testified that he had not heard of any ARVN or U.S. investigation taking place concerning the 16th of March operation (pg. 28).

b. Prior knowledge of the operation.

The witness had no particular recollection of plans of the 16th of March operation (pg. 32). He spoke about other operations that had been planned in this area, but knew nothing in particular about the one in issue (pgs. 34-36).

c. Personnel.

The witness noted that he worked under Colonel GAVIN and coordinated his activities with Mr. RAMSDELL, a civilian (pg. 2). He added that he felt GAVIN had a close association with the district chief, but did not know if he took any action in regard to the allegations of atrocities (pg. 9).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-30	Statement of RODRIGUEZ	Wit had not seen.	3,4
M-31	Census Grievance Report, 18 Mar 68	Wit could not recall.	16
M-34	TAN's ltr to KHIEN, 11 Apr (trans) (Quang Ngai Prov)	Shown to witness. Wit did not recall.	4,9
M-35	VC propaganda leaflet	Did not recall.	25,26
M-49	Do Dinh LUYEN's ltr to TAN	Shown to wit.	8
P-50	Picture of HENDERSON	Wit could not positively identify	25
P-52	Picture of KOTOUC	Wit could not identify.	22
R-1	HENDERSON's report	Did not recall report or inclosures.	25
MAP-1	Wall map	Wit referred to.	20

(The hearing reconvened at 0920 hours, 23 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

Sir, the next witness is Captain Clarence DAWKINS.

(CPT DAWKINS was called as a witness, was sworn, and testified as follows:)

Captain DAWKINS, for the record, would you please state your full name, grade, Social Security number, organization, and station?

A. Clarence Jackson DAWKINS, Captain, U.S. Army, , 26th NORAD Region, Luke Air Force Base, Arizona.

IO: Captain DAWKINS, have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you understand them, or do you have any questions?

A. I understand them, sir.

Q. You have no questions?

A. No, sir.

Q. Captain DAWKINS, on my left is Mr. Robert MACCRATE, who has volunteered his services to the Secretary of the Army to assist me and other people in this inquiry in the conduct of the investigation and also to provide legal counsel to us. On my right is Colonel ARMSTRONG, an Army colonel who has been designated by the Office of the Chief of Staff to serve as an assistant to me in this investigation. Each of these gentlemen may address questions to you this morning. We also have other groups such as this who are taking additional testimony from others. In the final analysis, however, I will have the responsibility for putting the report together and making the findings and the recommendations.

As a military officer, you are ordered not to discuss your testimony here this morning with others, including any other individuals who may appear before this investigation as witnesses, except, of course, as you may be required to do so in the performance of official duty or as may be necessary before a competent judicial, administrative, or legislative body. I'll explain the legislative to you. It is possible that one of the committees of Congress may want you to appear as a witness, specifically, the investigating subcommittee of the House Armed Services Committee. They have an investigation which is underway, and they may possibly want you to appear. If such be the case, nothing that happens here would preclude you from testifying there. To my knowledge, you have not been cited or cautioned by the military judge in the general court-martial case of the United States v. Calley, or in any of the general court-martial cases which may result from the My Lai incident. Is that correct?

A. Yes, sir.

Q. I think the possibility of you being called is remote, but in the event you are cited by such a judge, your testimony here would in no way change either the effect or the applicability of those instructions. Do you have any questions at this time?

A. No, sir.

Q. Captain DAWKINS, would you give us your duty assignment in mid-March, 1968?

A. Sir, I was the intelligence advisor for the Son Tinh District, Quang Ngai Province, Republic of South Vietnam.

Q. Who did you work for directly?

A. Directly, sir, my senior advisor was Lieutenant Colonel David GAVIN.

Q. Who also did you work with in terms of coordinating your activities?

A. There was a civilian by the name of Bob RAMSDELL, sir.

Q. How long had you been in that capacity up to that time? We're talking about March. When did you take over the assignment?

A. On 12 December 1968, sir.

Q. Had you set up a DIOC by that time?

A. Yes, sir.

Q. This is December 1967 I believe you are referring to, are you not?

A. Yes, sir.

Q. By March, you were just starting to get your DIOC formed?

A. Yes, sir. We were beginning to function as a DIOC.

Q. How long after that time, Captain DAWKINS, did you serve in this capacity?

A. Until 6 November 1968.

Q. You served about a year then?

A. Yes, sir.

Q. Since this matter of the My Lai incident became a matter of public knowledge last year, about 5 months ago, roughly, September or October 1969, have you had any conversations with any of the people with whom you worked in the advisory group at Son Tinh and Quang Ngai, or people with the Americal Division or anybody who was associated with the organization at that time?

A. No, sir, I have not.

(IO requested Exhibit M-30.)

Q. I have here a statement which is signed by Captain Angel RODRIGUEZ, dated 14 April. This is a photostat of the copy which we have seen. It is not too legible, but underneath is a true copy. I would ask if you have

seen this statement?

(The witness examined Exhibit M-30.)

Don't get nervous now. Just be calm.

A. All right, sir.

I recall the incident at that time, sir, but I do not believe that I have seen the report. No, sir.

Q. Well, let me show you another report.

(IO requested the report of 11 April, Exhibit M-34.)

Captain DAWKINS, you indicated that you recall the incident, but you don't recall the paper. Will you tell us what you recall of the incident?

A. Just the recollection of talking about the incident, sir, that the alleged killings had occurred. As far as the actuality, sir, I know nothing of that.

Q. Well, I'm trying to find out what went on at Son Tinh District, and that's the reason I've got you here. As you can see, we know more than a little so I'm trying to put a few more pieces together here. When did you talk about this, and who was doing the talking?

A. The discussion that I had about it, sir, is difficult to recall, but it was within our advisory team, not around in the area or with anyone in higher headquarters.

Q. Who in the team was talking? Do you remember the circumstances?

A. The circumstances, no, sir. It was just a discussion. Well, this had been brought up with Lieutenant Colonel GAVIN, and Captain RODRIGUEZ and myself.

Q. Well, now, at that particular time, where was Major GAVIN? Do you remember the days he was there and when he was gone? Didn't he have an extension leave about

that time?

A. I don't recall, sir.

MR MACCRATE: There is a record, Captain DAWKINS, that Major GAVIN was on leave from 15 to 22 April, and we do not have at this time the dates that Major GAVIN was necessarily away, but the official record indicates leave for those days. I don't know if this will refresh your recollection or not, but they are listed as dates of leave in official records.

IO: Do you remember Major GAVIN going home on leave and getting married?

A. Yes, sir.

Q. Well, do you remember when he came back?

A. The dates, sir, I can't remember.

Q. Do you remember 14 April being Easter?

A. Yes, sir.

Q. Do you remember him coming back that day?

A. No, sir.

Q. He was there when you were doing the talking though?

A. We had talked about this.

Q. Do you remember talking to Major GAVIN about this?

A. Right, sir. I remember it being mentioned within the team. Yes, sir.

Q. Now, what was mentioned?

A. Just the fact that these killings had allegedly been done.

Q. How many killings? Did they talk about how many women and children?

A. Between 300 and 400. And I think Captain RODRIGUEZ was doing most of the work on this thing.

Q. Did you talk to your intelligence people about this at all?

A. There was no discussion about this between myself and the intelligence people, no, sir.

Q. How about with your district chief? Did you work with him quite closely?

A. No, sir, other than just getting some information at different times. As far as being associated with him, no, sir.

Q. You knew Lieutenant TAN, though?

A. Yes, sir.

Q. Did he get along well with the team up there?

A. Yes, sir. There was no apparent conflicts between the team and the Vietnamese counterpart.

Q. What other people worked up there with you?

A. Sir, there was Staff Sergeant WILLIS.

Q. Who else?

A. It's difficult to remember. There was a Sergeant DAVIS.

Q. What was WILLIS' job?

A. WILLIS was the tactics....

Q. He was the operational NCO?

A. Right, tactics advisor to the village and hamlet.

Q. Which village and hamlet?

A. Within the Son Tinh District, sir.

Q. And DAVIS?

A. Sergeant DAVIS, sir, was a member of the new teams that were added just prior to or shortly before I came back.

Q. You're referring to the mobile advisory team?

A. Yes, sir.

Q. You also had a medic up there didn't you, and didn't you have a radio operator?

A. Yes, sir. LEGGE, PFC LEGGE was the radio operator.

Q. PFC?

A. Yes, sir.

Q. And who was your medic?

A. Staff Sergeant NEWMAN, sir.

Q. Have any civilians up there as well?

A. Yes, sir, names--

Q. (Interposing) How about a Mr. SITTIG?

A. Bill, Bill SITTIG, yes.

Q. Were WILLIS, LEGGE, NEWMAN in on any of this discussion?

A. Not that I recall, no, sir.

Q. How about Mr. SITTIG?

A. Not with me, sir.

Q. Not with you. Do you know who did the work on this paper for Captain RODRIGUEZ?

A. No, sir, I do not.

Q. The translation of any document, who would have done that for him?

A. It probably would have been our team advisor, sir, and his name was TU.

Q. Do you mean advisor or interpreter?

A. Interpreter for our team, sir.

Q. Sergeant?

A. Right.

MR MACCRATE: First name?

A. I don't know, sir. We had three different ones, and two of them were named TU--

IO: (Interposing) And one was named three?

A. Yes.

Q. I wish you'd think real hard. Now, did you get any indication that the village chief was really disturbed by this?

A. As best I can recall, no, sir. I do not.

Q. Did you ever see the report of the village chief?

A. No, sir. I don't recall seeing his report.

Q. Do you know the name of the village chief?

A. Sir, I do not.

Q. Would the name Mr. LUYEN refresh you?

A. No, sir.

Q. Now here is this report, Captain DAWKINS, which has been entered into the record as Exhibit M-49, and I would ask if you saw this document, which you notice is dated 22 March 1968? Please look at the Vietnamese version, too.

A. Sir, seeing this specific document, I can't recall seeing this one, but the phrase, "Besides persons killed, animals, property, and houses were 90 percent destroyed."

I vaguely remember seeing this statement. That it was on this specific document I don't recall. But I do remember this "property and houses were 90 percent destroyed."

Q. Was Major GAVIN pretty upset by this report?

A. No, sir, not upset. It does create some problem when you have to get with your district chief and get into this thing and find out exactly what's going on and what happened.

Q. Did anybody really push this?

A. That I know of, as far as really pushing it, no, sir. I don't recall anybody really pushing it. Colonel GAVIN was more closely associated with the district chief than I was. As to their actions, I don't know.

Q. I have here a report of 11 April from the district chief to the province chief which has been entered into the record as Exhibit M-34. You can see the Vietnamese version underneath, which I think is important to see. Do you speak, read, or write Vietnamese?

A. No, sir.

Q. Have you seen this document?

A. I do not recall seeing this document, sir.

Q. You will notice here that a copy of it went to the 2d ARVN Division. You'll also notice that a copy of it went to MACV, Quang Ngai Sector. So not only was it known by the Americans at Son Tinh, but it had to be known by some Americans at sector headquarters.

A. If the copy did go, sir.

Q. If the copy were delivered. Now, you'll also notice on the first document that I gave you that it refers to both of these in the opening part of it. If you look at the second page where you can read it, it says, "To the letter from the Son Tinh District chief to the Quang Ngai Province chief, dated 11 April." In the second paragraph it says that the Son Tinh District chief received a letter from the village chief of Son My village containing the complaint

of the killing of 490 civilians including children and women by American troops. So, this document that we are talking about, signed by Captain RODRIGUEZ, refers to this document, and he also refers to this document. To your knowledge, did Captain RODRIGUEZ have copies of these documents? Did he discuss them with you?

A. No, sir. To my knowledge, he did not.

Q. Why do you think down here in the third paragraph, Captain RODRIGUEZ says, "The letter was not given much importance by the district chief, but it was sent to the Quang Ngai Province chief"? Why do you think that statement was made?

A. To me, sir, it implies Captain RODRIGUEZ's observance of the Son Tinh District chief in his dealings with this matter. This may be Captain RODRIGUEZ's personal opinion.

Q. When you were talking with Captain RODRIGUEZ and Major GAVIN, was Captain TAN also in on the discussion?

A. No, sir. I don't remember him being in on the discussion when we talked about it ourselves.

Q. Well, for your information, I know from talking to Captain TAN that he knows about this paragraph, and I also know that he talked to Captain RODRIGUEZ about that paragraph there.

A. Yes, sir.

Q. So there was some discussion that ensued, and what I'm asking is if, by chance, you were present when this went on or whether you became privy to it?

A. No, sir, I was not present in the discussions between Captain RODRIGUEZ and Lieutenant TAN, or Lieutenant Colonel GAVIN and Lieutenant TAN.

Q. Where was your DIOC located?

A. The DIOC was down in the district headquarters.

Q. You spent most of the day down there then? Is that correct?

A. Most of my time would be spent down in the DIOC. Occasionally when the team went on operations with the district chief, I attended as many as possible without my civilian boss telling me that it's not my job to do this, that I'm supposed to be at DIOC.

Q. But you did, as a part of your function, try to accompany some of the operations that had to do with the elimination of the VCI?

A. No, sir, I did not accompany the operations for that.

Q. What kind of operations did you accompany?

A. These were team operations, sir, the district operations.

Q. Well, explain that to me, will you?

A. All right, sir. The operations that I attended were the operations that were called by the district chief. He planned the operations; he drew up the plans; and then as advisors to the district chief, we accompanied him on his operations.

Q. These are operations employing the RF and PF? Is that what you are referring to?

A. Yes, sir.

MR MACCRATE: I realize, Captain DAWKINS, we're asking you to go back a number of months, but it would be helpful if you could go back to the discussions with Major GAVIN and Captain RODRIGUEZ and try to recall how this subject first was raised, by whom it was raised, and how it came about, as best you can recall at this time?

A. It's difficult, sir, to go back that far, but as far as first coming into existence, I would assume, and this is an assumption on my part, that this matter was brought to Colonel GAVIN by the district chief, by Lieutenant TAN. As far as their discussions, Lieutenant TAN and Colonel GAVIN I'm speaking of, and Lieutenant TAN and Captain RODRIGUEZ, or the three, I have no knowledge of their discussions or the actual actions that they took on this matter.

Q. But there had been, you would understand, some discussion of the matter by Major GAVIN, before it was discussed in your presence, with Captain RODRIGUEZ?

A. Yes, sir, I'm sure there was, prior to my part in it.

Q. And do you recall when it was raised with you? You ate together, I suppose, and shared many minutes together.

A. Yes, sir. We all lived in the same room.

Q. We have recently visited your old headquarters and know the rather congenial surroundings, where everyone was rather close by one another. Can you recall where the conversation or conversations took place when this was discussed?

A. It was in the building or the room that we lived in when it was brought to my attention. As far as getting into the facts of what happened and deeply discussing what happened, I was not involved in that part of it. It was mentioned. I remember it being talked about. I remember it being mentioned between Captain RODRIGUEZ and Major GAVIN at that time and myself.

IO: Here's the thing: you knew an operation had gone in that area. I'm pretty sure that you knew that. Then you get an allegation or complaint of this magnitude. Wasn't there some discussion, "Isn't that a hell of a note?" or "I wonder if that really did happen?" Was this just a passing item of conversation or was this something that was really focused on?

A. It was something that was discussed. As far as within the team itself, the strongest point of discussion that I remember is that it just didn't happen, this mass killing of 490 people and 90 percent of the property and houses and everything destroyed. This is the thing that I remember talking about. It just didn't happen. There's a war going on and innocent people are going to die, but this thing of lining up 490 people, I can't believe it. I have no recollection of anything of that nature.

MR MACCRATE: My direction at this time is not so much on what information you actually had, but I'm trying to get back to

this point in time with you to see if we can put together what were some of the steps being taken. You indicated that it raised a problem, I think you said, of getting together with the district chief, that you recall this. Could you enlarge upon what you mean by that, as to anything that Major GAVIN or Captain RODRIGUEZ said so far as the district chief was concerned.

A. No, sir. As far as their discussions about or with the district chief, I don't recall any of it. I was not involved in and of their talks or discussions or anything associated with the paperwork or writing this thing up, reporting it, or anything of this nature.

Q. Was there any reference to conversations with Colonel BARKER or anyone associated with Task Force Barker?

A. I don't understand, sir.

Q. Was there any indication by Major GAVIN or by Captain RODRIGUEZ that they had been speaking with anyone at LZ Dottie or Task Force Barker about the operation?

A. Lieutenant Colonel BARKER, sir, did come down to our location several times, not a lot of times, but several times. Whether he and Colonel GAVIN discussed this, sir, I don't recall.

Q. Do you have any recollection of the discussion of taking this information to province headquarters in Quang Ngai?

A. No, sir. I can't recall it.

Q. Do you remember any discussion in this connection by Major GAVIN or Captain RODRIGUEZ about Colonel GUINN?

A. No, sir. I do not.

Q. I'm sure, from what you said, the impression that this made upon you, Captain DAWKINS, that there must have been some considerable conversation at this time among Major GAVIN and Captain RODRIGUEZ. I would like you to think very carefully of just what they were saying about this. Were they talking about people with whom they were going to discuss it or were they talking about conversations they already had with others? Were they talking about anyone in the 11th Brigade with whom they had

been speaking, or down at province headquarters? Was there a problem of some sort in working matters out between district and province? What kind of things were they saying about this, other than they just couldn't believe it happened? They must have been doing something about it.

A. The conversation, sir, I can't recall it. I'm sure that there was a lot of association between Colonel GAVIN and Lieutenant TAN, Captain RODRIGUEZ and Lieutenant TAN. I was not involved in this discussion or in this planning.

Q. I understand that, but in talking with you about it, what did they indicate they were doing or with whom they had been in touch?

A. There was no need to discuss--it was not discussed with me the actions that were being taken on this. I wasn't involved in the paperwork or the discussion between these people.

Q. Well, I understand you weren't involved in the paperwork and this wasn't in your direct area of responsibility, but you're sharing intimately what's going on with these individuals at this time and they are telling you about a problem that they have. It just seems natural that you would pick up some idea of who was talking to whom and what they were doing about it, what their concerns were. If something like this comes in and there is this discussion about it, they must be saying something about, "Well, we'll have to talk with others and inform them and get information or give information."

A. If I understand correctly, sir, this would have been discussed with the district chief. As far as through American channels, any conversation between Lieutenant Colonel GAVIN or Captain RODRIGUEZ with the Americans at Quang Ngai, I have no knowledge. If it was discussed with Colonel BARKER, I have no knowledge of it. Colonel BARKER did come to our location, and I'm sure, or I feel sure, that Colonel GAVIN or either Captain RODRIGUEZ discussed this with him. As far as my having any knowledge of that conversation, no, sir.

Q. Do you have any recollection of anyone coming to Son Tinh at this time from any of the other American headquarters to discuss this matter with either Major GAVIN or Captain RODRIGUEZ?

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didn't happen." You also indicated that you saw these messages that came in. One of these messages alluded to this particular thing. Is that correct?

A. This is when I first became aware of it, sir, seeing this message that came from the office up to the hill. There's usually a little stack of messages that we get daily. They pertain to enemy movement and so forth and so on.

Q. Well, now, that must have encited your interest to the point where you would take a good hard look at this message, because you were already familiar with one allegation that something had gone on. I'm not sure whether this message was before this conversation of the information from the village chief or whether it was after. But, in all events, you had two bits of information saying the same thing, or pointing to the same thing, is that correct? You had the message, and then you had the discussion?

A. Right, sir. At the time that I saw the message, this is when I asked Colonel GAVIN about the message. As far as any detailed discussion about it, I was not involved. Between Colonel GAVIN and myself, or Captain RODRIGUEZ and myself, as far as detailed discussion, no, sir. I asked about the message. I can't recall any--

Q. (Interposing) What did the message say?

A. It was translated into English, these alleged atrocities of civilian killings and destruction of property. The clearest thing I remember about this message was the statement about the property and houses being 90 percent destroyed. This is the clearest thing in my mind.

Q. When you see a statement such as that, generally you fix your mind on it pretty firmly. You generally know the details on it, and who it came from. Who was making such a statement? Who did the information come from?

A. The message, sir, could have come from the village. Someone could have gone in and talked to the district chief's staff. They took the message down. The message could have come up to us.

Q. Was it in telegraphic form, or--

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A. Yes, sir. This would have been done by Colonel GAVIN.

Q. Well, it would have been. Was it?

A. To the best of my knowledge, sir, it was discussed. I was not in on the discussion. But, I feel quite sure that Colonel GAVIN did discuss this.

Q. You were aware of Task Force Barker's operation out in there starting about the 16th?

A. Yes, sir. They coordinated operations with our team. Not necessarily with me or through me, but with the team.

Q. Do you know this operation was coordinated?

A. Yes, sir.

Q. Again, coming up from the village and going up on the hill, probably to get lunch, or during the evening meal and so forth, sitting around, you became aware of the fact that this operation was underway and so forth?

A. Yes, sir.

Q. Do you remember the results of that operation? You may not remember the figures, but was it a report of a few killed, or what?

A. Sir, if this is the operation that I think that I recall--I can't remember it too clearly--but I remember our team going on an operation with combined American forces. We were to go in this direction. The American forces were going to airlift, helicopter the troops in. Now, this was an operation around Pinkville. This one I remember, and that one was a blank.

Q. Nothing happened?

A. The American troops came in by helicopter and walked through, and nothing.

Q. Well, could that have been in March, or was this

back in January or February? Now, you'd been there only a little while. You ought to remember that.

A. This was after I had been there a while, sir. I can't remember this specific time, no, sir.

Q. Well, we have a map back here, Captain DAWKINS. If you can just forget about what's on the map. Just use that map and I think you can see where Quang Ngai is down here, where Son Tinh is, and Pinkville, and Diem Diem River, and Song Tra Khuc to the south. Are you familiar with that whole area out there?

A. Yes, sir.

Q. Well, how about giving us a brief description of this operation that you were familiar with?

A. The operation that I am referring to, sir?

Q. Yes.

A. All right, sir.

(The witness stood by Exhibit MAP-1.)

All right, sir. Our location was here at Son Tinh. And on this particular operation that I am referring to, which we took part in, was a combined Vietnamese and American operation. We came through this direction here, right along the river, and here on this mountain--

Q. (Interposing) Nui Ngang?

A. Yes, sir. This mountain was our objective. This is where the district chief took his forces, and we accompanied the district chief to this location, and here we stayed. The American troops came in at this general area right here. I'm not exactly familiar with where they came in, but right along through here (indicating the Pinkville, generally). The operation was an operation concerning Pinkville. This location where we were was a holding position, and that was all we were required to do. The major part of the operation was the American sweep of the area of Pinkville.

Q. Okay. Did the American forces subsequently come down and join you?

A. Join our team, sir?

Q. Down at My Khe (2) or Nui Ngang Village or in that area?

A. Not that I recall ever joining us, no, sir.

Q. Well, the figures that came out of the operation the first day, which started on the 16th, were 128 enemy killed, VC killed, 2 U.S. killed, 11 U.S. WIA, and 3 weapons captured. This was the largest operation, or the most successful operation, which the 11th Brigade had conducted since they arrived in country. Now, does all that come to mind?

A. Sir, I do not recall hearing those figures.

Q. Did you, as a matter of practice, get copies of The Americal Division News Sheet?

A. No, sir. I don't recall those.

Q. You were working there with the district. How many National Police or National Field Forces did you have there available to you?

A. We had available to my office--now this is pertaining to my job--we had a 36-man team of PRU's. This was not my force, but this was the force assigned to the district from province to operate with.

Q. For the record, let it so indicate that PRU means Province Reconnaissance Unit. Did you have any National Police-men there with you as well?

A. The police chief there in the district headquarters.

Q. What was his name?

A. It started with a V. As I recall, it started with a V. I'm not--

Q. (Interposing) Did you have any ARVN soldiers or ARVN officers that were assigned with you up there from the 2d ARVN Division?

A. No, sir. This was the district. I worked with the district team.

Q. Do you remember Lieutenant PHU?

A. No, sir. I do not.

Q. P-H-U? How about a Lieutenant DUC, D-U-C?

A. Right, he was my counterpart. He was the district S2.

Q. He was the district S2?

A. Right, at the first part. He was only the S2 when I went there in December. He was only the S2 for 3 to 4 months, and he was sent away to school. He went to a school of some kind.

Q. Was he a little short--

A. (Interposing) Right, sir.

Q. Small and heavy set, you might say fat?

A. No, sir. I wouldn't say fat. He was a little stocky as you say, but no, I wouldn't say he was fat, no, sir.

Q. Do you recall a time in about this time period when Captain KOTOUC--do you remember him, who was the S2 of Task Force Barker? K-O-T-O-U-C, pronounced "CATOUSH"?

A. If I may ask, sir, was this the big, heavy, stocky captain?

Q. Yes, rather heavy set.

A. I can remember one of them, but we might not be talking about the same person.

Q. This is a picture of him.

(IO shows witness P-52.)

A. He looks vaguely familiar, sir, but that's not

the person I was referring to, that I was thinking of.

Q. Do you remember sometime along about the middle of March, perhaps, making arrangements for three National Policemen and four or five ARVN soldiers to be picked up by helicopter out at sector headquarters to go out and interrogate some people?

A. We did this several times, sir: make arrangements for these people to go along with the American unit.

Q. Do you remember a time when DUC went out and took National Police and some of the other soldiers that might have been around the headquarters, probably an NCO and two or three privates?

A. No, sir. I don't recall Lieutenant DUC going on one of these operations.

Q. Did you ever get any feedback from anybody who may have been out on the 16th, 17th, 18th, or 19th concerning these prisoners, the interrogation of prisoners, and so forth about this in Son My Village?

A. We had some association, sir, with the people at LZ Dottie. There was an MP staff sergeant there at that time, and I can't recall his name.

Q. WARREN?

A. WARREN, yes, sir. We visited each other's locations a few times concerning the people that had been brought in, the Vietnamese that had been brought in from the operations and for questioning. He brought a few people to our location. Some of the people that were suspected VCI, high or low level of the infrastructure, were brought to our location, and they were interrogated by the Vietnamese people there. It seems like I can recall a couple of times that we gave to them a couple of people that we had there at the district headquarters to go along with the Americans, because they were supposed to know the area.

Q. We understand that during this operation, maybe 2 or 3 days afterwards, that quite a high level political figure was picked up and interrogated at Barker and perhaps turned over to you or to province. Do you recall this?

A. Yes, sir. I can't recall the name, sir, but he was national level, Communist Party. I did not accompany the team on that operation, but our team did have an operation. The district chief planned one for us. I remember that I had been in Chu Lai, just north of our location, for 1 or 2 days. I came back, and Colonel GAVIN told me about this person and that he had been captured, and sent to Quang Ngai. I went down to see this individual. It took quite a while to get him to come around, but they did find out that he was national Communist Party level.

Q. Do you ever remember--I think Mr. MACCRATE asked you about this before--Colonel BARKER coming down there and sitting down with Major GAVIN about this time period or shortly after?

A. The one that stands out in my mind, mainly, sir, is the one that he came down and planned the operation in which he was killed.

Q. He did plan the operation?

A. Not planned, but coordinated the operation within the district.

Q. So that whenever this operation began, he knew that there weren't any RF and PF in the area that day?

A. Well, I don't remember exactly where it was, sir, but right here in the area just south of the Pinkville and kind of angling down on the other side of our location was a line that we had drawn between the area of RF/PF operations, and above the line was the American operations. Any time there was an operation going on, either in the bottom side or on the top side of this line, then it was coordinated between our advisory team and the Americans. When we did have a coordinated operation, the Americans were never to come below this particular line, and we were never to go above it.

Q. Do you ever remember Colonel HENDERSON coming there? Do you know Colonel HENDERSON, the brigade commander of the 11th Brigade at that time?

A. Yes, sir. I think I recall one visit. I remember a couple of colonels coming to the location from the Americal Division.

Q. I have here a picture of Colonel HENDERSON. Do you recall seeing him?

(IO presented Exhibit P-50.)

Of course, he doesn't have a steel pot on, and he doesn't have his jungle fatigues on.

A. I can't say for sure, sir, that I remember seeing him there.

Q. Did you ever see any VC propaganda which focused on Son My, Pinkville, Tu Cung, and the like?

A. Focusing on that particular point, no, sir. I did see the little VC papers that were scattered around the countryside, the normal propaganda.

Q. I have here a report with two inclosures. This is Exhibit R-1. One of the inclosures is a readout of some Viet Cong propaganda. I would ask you to review this and ask you if you recognize seeing this or hearing anything such as this.

(IO hands Exhibit R-1 to witness.)

You will notice the first page is somewhat typical VC propaganda, but on the second page you will notice that it changes from generalizations to specifics, which may be noticed in the second paragraph.

A. I do not recall seeing this particular item. No, sir.

Q. Do you recall seeing anything--as you read on you will see that this focuses upon the ARVN, of course, which would include the RF and PF, encouraging them to take action against the Americans.

A. I don't recall, sir, anything of this nature, seeing it.

Q. I have another one here that's different in the sense that it's not propaganda. This is a notice which was published by the Quang Ngai National Liberation Front Committee, dated 28 March 1968. The Vietnamese version that was published is shown here. This is Exhibit M-35. Take

a look at it. Have you seen that format?

(The witness did as requested.)

Now, if you'll look back to the front, you'll see the English translation. You don't have to read the whole document. Just review it and indicate whether you have seen it or if you were aware of any such pronouncement such as this that was put out?

A. I can't recall it, sir. I can't remember anything of this nature published.

Q. Well, you were down there in the DIOC. If any American should have seen it, you should have seen it, shouldn't you?

A. Yes, sir. But I cannot recall it.

Q. All right. Now, I understand that during Tet, the RF company on Hill 85 was either overrun or at least pushed off the hill, and that outpost was abandoned for some time. Does that fit your recollection?

A. Sir, I was not in country during Tet.

Q. Well, do you remember any effort to reestablish the outpost?

A. I know a couple of our outposts were vacated for some time. I remember a couple of them being vacated for some time.

Q. Where were you during Tet?

A. I was back in the States, sir, on emergency leave.

Q. I see. Do you remember some effort to reestablish that outpost?

A. I might be thinking of a different one. Which outpost, specifically?

Q. Hill 85. Right there (indicating). Do you see 85?

A. I'm sorry, I am disoriented. I'm looking back

over here (indicating west).

Q. Well, let's go on just a little bit and see if you remember something else. Do you remember finally getting an RF company out on a hill, which is a Montagnard company?

A. Yes, sir.

Q. Now you're focused on it. What happened to that Montagnard company?

A. Well, I can't recall. I remember that we went to that location once. We accompanied the district chief on an operation to that location.

Q. Did you know Major FORD, who is one of the MATS?

A. Major FORD?

Q. A tall, colored major?

A. Yes, sir. This was that major, sir, that was in Quang Ngai Province for a while, in headquarters?

Q. No. You're probably thinking of Colonel GREEN. I'm thinking of Major FORD who headed one of the MATS teams, who worked with the RF group that generally worked south of the river down in the area of Tu Binh, but periodically would move up to the north and operate north of the Song Tra Khuc River. For a time, he was in Quang Ngai. As a matter of fact, his headquarters was in Quang Ngai, but he wasn't in headquarters per se. He still had the MATS team, in which he was working with this RF group headquarters.

A. All right, sir. I'm probably thinking of the same one you are. I remember--if this is the same one, yes, sir.

Q. Well, do you remember him accompanying this group out there to put a Montagnard company on the hill, the RF company? Do you remember anything happening to one of those groups out there, getting partly overrun, and the VC coming in and seizing a certain number of the RF, and also the women and children, and either abducting them or murdering them?

A. At that particular location, no, sir. I do recall another incident which you are describing, but it was back at the citadel. I can't recall that specific one, but the one back at the citadel I do remember.

Q. What happened at the citadel?

A. The VC overran the location that we had there.

Q. At the citadel or the outpost of the citadel?

A. The outpost of the citadel, and killed some civilians and soldiers that we had with us. The exact figure, I don't remember.

Q. When you were in your position there as a DIOC, you've got your ears open and so forth, and you see and listen to everything that is going on. Did you ever hear of an ARVN investigation of what might have taken place out here in the middle of March that was being investigated by district and province, possibly by the 2d Division?

A. Within the office, sir, I don't recall any remarks that was made toward this thing. We were all supposed to be working together, but we had three separate offices.

Q. How about the outside of the office now? Did you hear anything about the U.S. advisory group or anywhere else?

A. Not as far as conducting any investigation of this incident, no, sir.

Q. Did you ever hear any report that the province chief of Quang Ngai was madder than hell, or really upset?

A. For this particular instance, sir, I don't recall him being upset over this incident.

Q. Were you ever aware of a U.S. investigation which may have been underway?

A. I was not aware of the information. No, sir. I don't recall.

Q. Above and beyond that which we have been talking

about, did you ever hear any additional rumors or comments or statements or anything which would cause you to be suspicious that something really did take place out there?

A. No, sir, I do not recall any such--

Q. (Interposing) You indicated that you disbelieved this report. Why did they disbelieve it? I'm referring to the report that came from the village chief that you and Major Gavin and Captain RODRIGUEZ were talking about. Why was this disbelieved?

A. Sir, this is difficult to explain. The initial feelings or your initial judgment of the thing would be that it would be a plot. The Viet Cong propaganda was something that was just started. Second of all, if you have 90 per cent of property and houses destroyed and you have 490 alleged massacred people, they're not going to be scattered all over the country. They're going to be generally in one location. And 490 dead people lying in one spot is going to create a certain amount of turmoil. I don't recall anything associated with this type of activity. If this would all have happened in one concentrated area, you would really know about it.

Q. Suppose it didn't happen in one concentrated area?

A. I may be, sir, getting into the point of opinions, now, but--

Q. (Interposing) I'm trying to find out why Major GAVIN, Captain RODRIGUEZ, and yourself disbelieved it.

A. This was my initial thought, sir, because I just found it difficult to believe. I personally saw no tangible proof that this large an incident had happened or that this incident had happened. If Major GAVIN or Captain RODRIGUEZ and the district chief went to this area to look at this particular area, I don't recall. I did not go along.

Q. Well, in the first place, where was this area?

A. The area that you are referring to is in Son My Village.

Q. Did anybody go out in Son My Village?

A. We had several operations through there, sir. At this particular time--

Q. (Interposing) What I'm getting at, you just don't go out to Son My Village to check on something.

A. No, sir, you plan an operation. You don't just walk through Son My Village.

Q. Well, that's my point.

A. Yes, sir.

Q. You made no attempt to check it out though?

A. No, sir, I don't recall a planned operation on the district chief's part to go out there, and an operation in that area would have to have been planned by the district chief.

Q. You still haven't impressed upon me why you didn't believe it.

A. It's difficult for me, sir, to pin it down to a specific reason that you're wanting, why I disbelieved it. My first opinion was that it was just rumor, propaganda. It's a VC story to get something started, to get something in an uproar. It's difficult for me to pinpoint a specific reason why I did not believe it happened.

Q. But we've got quite a serious allegation made against American troops.

A. Yes, sir, I realize this.

Q. And whether you believe it's true or whether you don't believe it's true, is this not to be checked out to find out whether it's true or not, or to find out if there is a shred of truth connected with it?

A. Yes, sir. It would seem reasonable that it should be checked out.

Q. Do you know of any effort that was made to check it out?

A. No, sir. I do not recall an operation that was planned by the district chief to go into this area.

Q. That's one way, but there are many ways to check this out. Many, many ways to check it out; i.e., you could have put out a specific intelligence effort. Did anybody ever talk to the village chief to your knowledge?

A. Not to my knowledge, sir. Anything originating from us that I would have knowledge of would have been coordinated and planned by the district chief, and I can't recall anything in particular.

Q. Well, we can put it back on the district chief all right, but that's not quite fair, because this allegation is not against the district chief. This allegation is against an American command in an American operation.

A. Yes, sir.

Q. And it's not up strictly to the district chief. He's already provided the information. It's there.

A. Yes, sir.

Q. Granted, it would have been fine if he'd checked it out, but this is an allegation against us.

A. Yes, sir.

Q. And I'm trying to find out, having had this, did we do anything?

A. Sir, I cannot recall any knowledge of knowing any action that was taken on the part of the Americans of what you're asking.

IO: Mr. MACCRATE?

MR MACCRATE: Captain DAWKINS, you said you remembered Colonel BARKER coming to Son Tinh District in connection with the planning of the operation in which he was killed?

A. Coordinating, sir.

Q. Yes. I understand that you do recall his presence there at that time? Were you in attendance during his conversations?

A. No, sir. I was present, but not actually involved. I was present in the building, sir, but not involved in the coordination of the exercise between Colonel BARKER and Colonel GAVIN.

Q. Do you recall the concept of the operation?

A. Specifically, sir, I don't recall it. The only thing that I recall is the fact that I described on the map to you awhile ago: what the operation would consist of.

Q. The operation that you were describing to us, with the American forces coming around the Song Diem Diem and your moving to the objective of Nui Ngang, is that the same operation?

A. Yes, sir, this was all one operation. The Vietnamese, the Son Tinh District RF and PF objective for this operation was the holding position of this mountain. We walked from our district directly to that mountain, and this was our holding position.

Q. Do you remember that there was another RF/PF unit to the north of you during that operation with which Major FORD moved?

A. I can't recall specifically, sir, whether the ARVN were involved. It seems like they were, but I can't recall for sure.

Q. This would be an RF/PF unit.

A. That I was with. That we were with.

Q. That FORD was with. Not an ARVN unit. An RF/PF unit.

A. Sir, I can't recall it on that specific operation.

Q. Do you recall anything surrounding the event of the crash of the two aircraft at the time that Colonel BARKER was killed? We can tell you that it was on 13 June, and it was on the third day of a 3-day operation that began on 11 June.

A. Major GAVIN, if I'm not mistaken, sir, was away at that time. I might be wrong, but he was away. I went, for

this particular operation, on the second day. One of my NCO's who was there for just a short time after I got there; he left. We went to Tinh An Mountain, which is a Buddhist shrine in Vietnam in the Son Tinh District.

Q. Is that also known as Monastery Mountain?

A. I don't know.

Q. Buddha Mountain?

A. Buddha Mountain, yes, sir.

Q. Well, we have had reference to it also as Monastery Hill, and it has been indicated by some witnesses that Monastery Hill and Buddha Mountain are the same.

A. I don't recall any reference to it as Monastery Hill, no, sir. Buddha Mountain, or Tinh An Mountain, is the mountain of which I am speaking. Myself and one of my NCO's the second day went out there to stay with the American-ARVN artillery advance element. We had three 105's there. We went in the late evening of the second day of the operation. We stayed overnight, and the next day the ARVN units moving to the northeast were getting out of radio distance to sector headquarters so I acted as radio relay on Tinh An Mountain for the operations the day Colonel BARKER was killed in the aircraft. If I recall correctly, there was a little bit of a fire fight going on just prior to the accident.

Q. Do you remember Colonel GREEN being with you at any time on that day?

A. Being with me?

Q. Was he at the relay point sometime during that day?

A. I can't recall seeing him there, sir.

Q. Do you recall anything further with respect to that operation on 13 June?

A. No, sir, not in particular, other than the radio contact with the various people calling in search helicopters and so forth.

Q. Do you remember any later operations out in the Son My area that Colonel KHIEN, the province chief, accompanied?

A. Sir, I can't recall any operation in which the province chief accompanied in that area with us. I can't recall. I don't think I would have knowledge of any ARVN battalions that would have been going that way.

Q. You indicated recalling the VC outpost of the citadel being overrun and an operation at some time, but I don't think you indicated when that might have occurred. Can you in any way fix that in time?

A. Sir, I think it was around September 1968.

Q. In September 1968?

A. Of the particular incident that I am thinking of, yes, sir.

Q. What do you recall of that incident?

A. I remember that it did happen at night and that the next morning the district chief planned a walk over to the area just to see what had happened. The outpost had been overrun by the Viet Cong, bunkers and so forth were blown, and some civilians were killed in this instance.

Q. Do you remember the magnitude of the civilian casualties?

A. I don't recall it being any great numbers, no, sir.

Q. You recall if they were the families of the RF/PF units?

A. RF/PF, yes, sir.

Q. You also referred to a recollection of a colonel or colonels coming to Son Tinh District. I think you indicated just generally from the Americal Division. Was there some particular association of this visit that you started to tell us about?

A. No, sir, no specific association. I remember one

colonel, maybe two colonels coming down, that were from the Americal.

IO: Captain DAWKINS, you've been of considerable help to us this morning. You may not realize how difficult it is to put all these bits and pieces together. We appreciate very much your coming in. I know we have given you some information here this morning, and I know it is difficult for you to take yourself back 22 months and remember everything that was said and everything that happened and all the impressions that you had. I'm only happy that nobody asked me what I did 22 months ago. But, aside from that, I'm sure you recognize the import of what we're doing with respect to that organization and with respect to the American Army and the American people.

A. Yes, sir.

Q. So, as a consequence, I would ask you very sincerely, to put your thinking cap on, and keep it on, and see if you can recollect any additional information above and beyond that which you have given us here this morning which may be of assistance to us in determining: one, what happened; two, the reporting and the investigation of it. In addition, you may possibly have some maps or some photographs or some memos or some propaganda which might be of assistance to us. If you do have any material such as this, we'd very much appreciate being told about it so that we can take advantage of that, as well as any additional information that you may possibly have. At this time I give you an opportunity to ask any questions that you may like to ask, or if you would like to enter a statement into the record. I'll give you the opportunity to do that.

A. Sir, the instance to which I made reference to about the outpost of the citadel, the Viet Cong overrunning it and killing civilians, I have two or three 35mm slides of some of the bodies, if this would be of any help. I did not take the pictures. I think Colonel GAVIN took the pictures, but I have the slides.

Q. Are these of--

A. (Interposing) These are in no way associated with--

Q. (Interposing) No, I understand that. Do you have the story connected with them? Could you relate the story to go with the slides?

A. Nothing other than what I related to you here.

Q. Are these of women and children?

A. Women and children. There is one slide I have, I believe it's two pictures. I can describe them for you. One is a Vietnamese woman lying over a very small baby, and they are both dead. They are both mutilated. You can see from the pictures.

Q. Well, I'm not saying they will be helpful to us, but I would like to have those slides. We will have them duplicated and returned to you so that you will have your slides. Any information you have concerning that incident and so on, just put that down on paper and send that in with them.

A. All right, sir.

Q. You might look at your slides now that you know what we're talking about and the instance we have.

A. Yes, sir.

Q. To refresh your memory, you might check the letters you wrote to your wife and see if that might help you a little bit. These women all keep these letters, you know. I'm not saying your wife does, but most of them do. Maybe that will help you a little bit about that time period. Do you have anything else?

A. No, sir. I can't recall anything further about this time.

IO: All right. The hearing will recess.

(The hearing recessed at 1115 hours, 23 January 1970.)

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the area (pg. 21). Clearance could be obtained to prep villages in a free fire zone (pg. 23). On moving into such an area on a search and destroy operation, tunnel complexes, bunkers, and houses would be destroyed (pg. 22). However, GAVIN would never have granted permission to destroy the livestock (pg. 23).

b. Exodus of noncombatants from a battle area.

On this occasion, he obtained no information about large groups of refugees leaving the area (pgs. 7,8). However, since Vietnamese civilians usually attempted to sidestep operations by moving toward friendly lines, a wholesale exodus would not have been surprising (pg. 8). From My Lai, such a movement would have been along Route 521 toward Quang Ngai or Son Tinh (pg. 8).

3. INTELLIGENCE INFORMATION RECEIVED AFTER OPERATION.

Although GAVIN thought it is possible that a massacre could have taken place without his knowing about it (pg. 24), he received no indication that anything unusual had taken place in My Lai (pg. 8). The paucity of captured weapons did not surprise him because the VC instructed their people to retrieve weapons from the dead and wounded (pgs. 9, 25). Although he reviewed intelligence reports from the district on a daily basis (pg. 18), none of the following type information came to his attention:

- (1) VC propaganda concerning atrocities (pg. 9);
- (2) VC slogans to avenge the slaughter or flags or armbands used to highlight the incident (pg. 10);
- (3) Information from the census/grievance element of the RD team within the area concerning a massacre (pg. 10);
- (4) Information about a massacre from ARVN forces who went into the area after the operation (pg. 26);
- (5) Claims by Vietnamese civilians for solatium payments (pg. 26).

4. REPORTS OF INVESTIGATIONS.

a. GAVIN's knowledge of noncombatant casualties stemming from the My Lai operation.

GAVIN did not recall any investigation of this incident by the South Vietnamese (pg. 15) or anyone connected with the My Lai operation (pg. 14). Had an investigation been made by Task Force Barker, the 11th Brigade, or the Americal Division, he felt he would have been brought into it (pg. 14). When he received the report of the operation, no indication was made that a number of civilians had been killed in the area (pg. 26). However, not being in the chain, he did not get after-action reports, and on this particular occasion he had merely requested a body count (pg. 26).

b. GAVIN's knowledge of letter written by Lieutenant TAN.

GAVIN never saw the letter written by Lieutenant TAN, the Son Tinh District Chief, concerning the My Lai incident (pg. 12). Although he recognized that such a letter could have been written without him knowing about it (pg. 12), GAVIN felt that TAN would have discussed with him a report that Americans had massacred a hundred people; but TAN never mentioned a massacre (pg. 23). In GAVIN's opinion, TAN would not have been concerned if innocent civilians at My Lai had been killed by air or artillery since they lived there by choice (pg. 24).

5. OTHER INFORMATION.

GAVIN never had any reports about National Police executing prisoners or VC suspects (pg. 19).

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SUMMARY OF RECALL TESTIMONY

WITNESS: GAVIN, David C.

DATES OF TESTIMONY: 11, 12, and 13 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: (1) Failure to obey general regulations concerning the reporting of alleged war crimes; (2) Dereliction of duty in failure to verify allegations concerning war crimes or to seek additional information through Vietnamese or U.S. channels; (3) False swearing in violation of Article 134 of the UCMJ; and (4) Suppression of and conspiracy to suppress information concerning the activities of Task Force Barker troops in the Son My area on 16 March 1968.

COUNSEL: Robert A. MANGRUM, CPT, JAGC, Office of the Judge Advocate General, Pentagon, Washington, D.C.

DUTY ASSIGNMENT ON 16 MARCH 1968: District Senior Advisor, Son Tinh District, Quang Ngai Province, Republic of Vietnam.

1. WHEREABOUTS OF THE WITNESS RELATIVE TO THE EVENTS SURROUNDING THE MY LAI INCIDENT.

The witness had an in-country R&R at Chu Lai from 10 to 16 April 1968 (pgs. 38, 39, 49, 50). He recalled this from the fact that he was concerned whether his assistant, Captain RODRIGUEZ, would return in time for him to go (pg.39). GAVIN was on R&R in Bangkok from 4 May to 13 May 1968, and he had a special leave from 24 May until 2 July 1968 (pg. 36).

2. PREOPERATIONAL INTELLIGENCE.

a. Intelligence input procedures at the district level.

GAVIN's team forwarded any intelligence they generated to province headquarters (pg. 76). Province had greater access to intelligence information than District, and thus the latter depended upon the former for its intelligence input (pg. 76). Theoretically, then, Province's

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and District's information should have been the same (pg.76). Since the information was the same, he did not know why Task Force Barker usually obtained its information from GAVIN's group rather than Province (pg. 78). He speculated that it was due to the fact that, when prisoners were brought to district for interrogation, intelligence reports received from Province which had been plotted on the map were given to the unit (pg. 78). GAVIN never got into the planning side of an operation (pg. 75). The units would come to his headquarters to get what intelligence information he had, return to their headquarters to formulate their plans, and, give GAVIN a briefing prior to the operation (pg. 75). GAVIN was required to keep this latter information quiet until just prior to the operation in order to prevent leaks (pg. 75).

b. Intelligence information provided for 16 March operation.

Although he often provided the task force with information as to the whereabouts of the 48th VC Battalion, he did not do so for the 16 March operation (pg. 73). He could not bring to mind where he had the VC battalion located either in mid-March or the beginning of March (pgs. 73, 74). He remembered nothing about the relation of the 48th VC Local Force Battalion to the 16 March operation, and he did not know if the position of the battalion was crucial to the operation's planning (pgs. 74, 75).

3. INQUIRIES AFTER THE ASSAULT.

The witness stated that he asked the task force for a body count after the operation out of curiosity, and not due to a request from the Vietnamese (pg. 70). He recalled the body count was 120 (pg. 70). He never heard any of the allegations that people were lined up and shot, and he knew nothing about prisoners being mistreated by the National Police (pgs. 85, 86, 90). He knew nothing about civilians being killed (pg. 90). He never heard that the ARVN's were conducting an investigation to determine what had happened at My Lai, and he knew of no operation undertaken by Colonel KHIE in this regard (pg. 82). GAVIN remembered a liaison type visit by HENDERSON, but did not recall if HENDERSON met TAN at this time (pgs. 90, 91). The witness did not know where HENDERSON obtained the information that the Son Tinh District Chief did not give the allegations any importance (pg. 89).

4. REPORTS OF INVESTIGATION.

a. The filing system at District.

The only record maintained by GAVIN was the log in which operations and after action reports were entered (pg. 40). Once a month they filed a hamlet report and a status of the Vietnamese forces report (pgs. 40, 41). Their file copies were kept in the file cabinet (pg. 41). Daily messages were kept in the ledger (pg. 41). Directives of a permanent nature would be retained (pg. 41). Intelligence reports would be screened, plotted on the map, and then destroyed because of their classification (pg. 41). Finally, they submitted a very brief monthly report which was used for input into the Quang Ngai Province report (pgs. 41, 42).

b. Knowledge of reports by ARVN officials.

TAN never showed GAVIN a letter he had received from a village chief relative to the 16 March operation (pg. 42). TAN never showed him Exhibit M-49, which was a letter to TAN from Mr. DO, the subject of which was "Report of the Allied Operation of 16 March 1968" (pg. 42). TAN failed to tell him of reports that TAN had obtained from village and hamlet chiefs regarding the operation (pgs. 42, 43). TAN did not tell GAVIN about the letters he wrote to the Province Chief, Colonel KHIEN, concerning the operation and the resulting deaths of civilians in Tu Cung and Co Luy (Exhibits M-28, M-29) (pgs. 43, 44). Although GAVIN agreed that TAN's 11 April letter to KHIEN (Exhibit M-29) indicated that a copy had been sent to GAVIN, he never obtained any information resembling the content of the letter, and he suggested that this document was never given to him by his subordinates (pgs. 44, 45). He discounted the possibility that his interpreter could have failed to get the gist of the letter (pgs. 44, 45). This letter was not discussed at his headquarters, and he never saw it or was told about it (pgs. 45, 65, 94). He could not explain how information like this could come into his headquarters without him knowing about it (pg. 49). He did not know why Exhibit M-29 was not found in his headquarters (pg. 93). GAVIN stated that he did not understand why he was not informed of these documents by TAN, because TAN usually showed him everything involving Americans (pg. 44). He never discussed this letter with Colonel GUINN (pg. 47). He never heard that TOAN directed that an investigation be conducted with respect to the

alleged killing of civilians in Tu Cung and Co Lay (pg.46). He never heard about Exhibit M-36 which is an internal communication from PHO to TOAN regarding an American unit operating in east Son Tinh District on 16 March 1968, which shot and killed 400 civilians (pg. 46). He did not recall discussing any such allegations with RODRIGUEZ or DAWKINS (pgs. 43, 47), nor did he remember discussing with RODRIGUEZ anything RODRIGUEZ might have done with respect to such reports (pg. 43).

c. GAVIN's knowledge of the statement made by RODRIGUEZ (Exhibit M-30).

The witness had never before seen RODRIGUEZ's statement (Exhibit M-30), and he did not recall RODRIGUEZ talking to him about the document or its preparation (pgs. 47,48,65,67). He did not recollect a conversation with RODRIGUEZ on 16 April in which RODRIGUEZ told him: (1) that while GAVIN had been gone RODRIGUEZ had received a request from the province advisor to talk with TAN; (2) that RODRIGUEZ had spoken with TAN; and (3) that RODRIGUEZ had prepared Exhibit M-30 (pgs. 48, 50). GAVIN speculated that, had RODRIGUEZ discussed this subject with him, RODRIGUEZ would have shown him the document, and GAVIN never saw it (pgs. 48, 92, 94). GAVIN only remembered that on his return he was told that a captain had been to their headquarters attempting to get a statement from GAVIN in support of certain awards (pg. 50). GAVIN could not explain how RODRIGUEZ's statement could be made without his knowing about it, and he did not know why the document could not be found in his headquarters (pgs. 49, 93). He could not explain why RODRIGUEZ's signature was removed from the statement inclosed in R-5 (pg. 91).

d. Discussions concerning the matter among Americal advisors.

While GAVIN did not recall a series of mid-April meetings with GUINN, he suggested that they could have occurred in connection with Mr. MAY's desire to put Vietnamese in fortified hamlets (pgs. 67-69). He disagreed with MAY on this idea, and there were several meetings concerning it (pg. 69). He could bring to mind no reference at one of these meetings to a communication that had transpired between GUINN and RODRIGUEZ or the preparation of a further report to brigade or division (pg. 69).

5. OTHER INFORMATION.

a. Use of National Police on 16 March.

The witness did not specifically recall the use of National Police or ARVN's on the 16 March operation (pg. 84). The witness opined that prisoners were the responsibility of the U.S. forces until officially turned over to the Vietnamese (pg. 85).

b. Reprisal attacks by the VC.

The witness felt that the VC attack on the citadel in which five or six civilians were killed and the VC killing of 75 people at Binh Son were reprisals (pgs. 87, 88).

c. Vietnamese operations in the area.

Although there were a number of Vietnamese operations going on in 1968, the witness could not pinpoint their dates (pg. 74). There were several instances in which the VC pushed the Vietnamese around, and he particularly remembered an instance in July in which the VC occupied the citadel (pg. 79).

d. Comments by GOUZOULES.

GAVIN could not bring to mind an incident in which GOUZOULES had made a comment about Task Force Barker which, when received by the task force, elicited a statement from either BARKER or CALHOUN that they did not want GOUZOULES to come to Task Force Barker (pg. 71). GOUZOULES' comment was supposed to have been made during a meal at Bin Son (pg. 71).

[illegible]

(The hearing reconvened at 1546 hours, 6 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present:
LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL MILLER,
COL WILSON, COL FRANKLIN, and MAJ LYNN.

RCDR: Sir, the next witness is Lieutenant Colonel
David C. GAVIN.

(LTC GAVIN, , Headquarters, Combat
Developments Command, was called as a witness, was sworn,
and testified as follows:)

IO: Colonel GAVIN, before we proceed with any questions I
shall inform you of several matters.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining the facts and making findings and recommendations concerning two things:

(1) the adequacy of the prior investigations and inquiries into, and subsequent reviews and reports in the chain of command, of what is commonly referred to as the My Lai incident of 16 March 1968; and

(2) possible suppression of information by persons that had a duty to report and to furnish information concerning this incident.

This investigation is not being conducted to investigate all of the facts and circumstances of what happened at My Lai. It is directed at those specific purposes which I have just stated.

I have had made available to me and have reviewed prior official statements obtained in other official investigations into this incident.

Your testimony will be taken under oath and a verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being taken by the reporter.

Although the general classification of the report will be confidential, it is possible that the testimony, or parts of it, at a later date may become public knowledge.

(GAVIN)

There are several people in this room who may ask you questions. With the exception of Mr. MACCRATE and Mr. WALSH, these individuals are my assistants and they are authorized to ask questions in my behalf. Mr. MACCRATE and Mr. WALSH are serving in the capacity of legal counsels to assist me, and they, likewise, may address questions to you. However, I have the responsibility of weighing the evidence and making the findings and recommendations.

You are ordered not to discuss your testimony in this investigation with others including other witnesses for this investigation except in the performance of official duty as you may be required to do so before a competent judicial or administrative body.

In addition, you are cautioned that, if you are subject to the order issued by the military judge in the general court-martial of the United States v. Calley, your appearance here in no way changes the applicability of that order.

Do you have any questions concerning what I have just stated to you in terms of instructions?

A. None, sir.

IO: Do you have anything?

COL MILLER: No, sir.

IO: Colonel GAVIN, would you cite your duty assignment as of the 16th of March 1968?

A. I was the District Senior Advisor, Son Tinh District, Quang Ngai Province, Republic of Vietnam, sir.

Q. How long had you been in that capacity?

A. I got there in July of 1967, sir.

Q. And you remained in that capacity for how long?

A. Until January 1969, sir.

Q. January 1969?

A. Right, sir.

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operational information?

A. Yes, sir. People came down periodically and I would forward, if I got intelligence reports from province or from my district, I would either call them on the radio, or have them, if there was a mass of information, have them come down and pick up these reports.

Q. Was this relationship conducted with Task Force Barker or with the 11th Brigade?

A. With Task Force Barker directly, sir.

Q. Directly with Barker?

A. Right, sir.

Q. Who from Barker did you deal with primarily?

A. The S3 and Colonel BARKER and the S2, Captain KOTOUC.

Q. Did you deal at all with the S5?

A. No, sir, because most of my district was in the ARVN AO and the S5 activities were, of course, within the Americal AO.

Q. Let me hear that statement again. Most of your district was within the ARVN AO, and the 23d Division AO was outside your district then?

A. The Americal Division AO came down into my district in the west and then it went back up and paralleled this river in the east. I can draw this, sir, if you have a map, if you wish?

Q. I don't think it is necessary at this moment.

A. But the principal parts of their AO that were in my district was out in the far VC controlled territories.

Q. Out in the mountains generally to the west?

A. Yes, sir, most of it was to the west. To the

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would come down usually after the area was secured, or the S2 would tell me as soon as they proposed the operation that they wanted a couple of National Police to help them with the interrogation and the search after they had secured the area. They would call me and tell me how many people they wanted to be on standby so they could send a helicopter in to pick them up and take them into the objective area after it was secure. This was the normal procedure.

Q. Do you recall if they advised you on this particular occasion?

A. Yes, sir, I'm quite sure because they took the National Police or, if possible, we would have either National Police or PF that were from that particular hamlet because they would know the people, the hiding places, this kind of thing.

Q. You remember how many they obtained on that particular day?

A. No, sir. As I say, this was normal procedure and that particular day didn't stand out; it doesn't stand out.

Q. Yes. Does the name Lieutenant JOHNSON mean anything to you? Or Captain FLETCHER?

A. No, sir.

Q. While this operation was going on, were there any other indications of a large activity going on in that area?

A. No, sir, not any indications at the time. Normally, I wouldn't even get an after action report from them unless I called them and specifically asked.

Q. Did you have information about an inordinate number of refugees coming out of that area?

A. No, sir. But the refugees, unless you surrounded the area, the refugees would go out normally as soon as the operation started, sir. The refugees would move off to the side. They wouldn't completely

evacuate the area. They would just move out of the immediate area of operation. As soon as the operation was over they would move right back in.

Q. They would not during this operation. We have heard from previous testimony that when they went into the village of My Lai (4), there was rather a large body of civilians moved down Highway 521 towards Quang Ngai or toward Son Tinh.

A. Yes, sir. This would be the way the refugees moved. As soon as there was an operation and they knew what was happening, then they would move toward the boundary of the friendly area. They would not come all the way in because this would subject them to police ID card check and all this, and they didn't want to come under government control so they would just move near enough to the friendly boundary that they would be out of the action.

Q. Would they necessarily know where the friendly boundary was?

A. Oh, they knew where the government control ended, yes, sir.

Q. Yes, I see what you mean. You are not talking about the--

A. (Interposing) No, sir, I'm talking about the GVN controlled area. They would move toward them because they knew that the artillery fire or anything of that nature wouldn't be directed right next to the GVN area.

Q. Now, did you ever have any indication that something unusual had taken place in My Lai (4)?

A. No, sir, I didn't. The only thing, I remember calling them and getting the VC count and the number of weapons.

Q. What did they tell you?

A. It was above a hundred. I don't remember the exact figure, sir. But what I thought: "Oh boy, that's good. That's one less local company that we've got to

worry about." And as far as the weapons were concerned, this was not unusual in that the VC had instructed their people that if a VC got shot for them to hide the weapon because they could replace the VC, but they couldn't replace their weapons. This was normal procedure for the people in those areas.

Q. At a subsequent time did you hear any information coming out of the village chief of Tan My, or My Lai village indicating that something unusual or some atrocities had taken place?

A. No, sir, I didn't.

Q. Did you see any VC propaganda which would indicate that some atrocities had taken place in My Lai (4)?

A. No, sir, I didn't because all the propaganda that was in English, I brought copies back with me. I've still got it and there was nothing.

IO: I'd like Colonel HENDERSON'S report.

RCDR: Yes, sir.

IO: I have here, colonel, what we refer to as Exhibit R-1. The second inclosure is an English translation of a Vietnamese piece of propaganda. I would like to show you this and ask you if you have ever seen this particular document or anything closely relating to it.

(Handing Exhibit R-1 to the witness.)

A. No, sir. I never saw any propaganda this detailed. All mine were little flyers that we would pick up. They would be just little small sheets. Now, this could have been put out in Vietnamese, but, as I say, sir--

Q. (Interposing) It is two pages long.

A. Well, I just wanted to make that comment, sir.

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COL WILSON: Coordinates.

A. Can I read it off my map? I carried this map the whole time--

COL MILLER: (Interposing) This is an exhibit--

MR WEST: (Interposing) The coordinates will be the same. That is all right.

A. 713764 would be just about it.

IO: But from either the outpost at Chau Thanh, or the outpost at An Loc, or the RD cadre at An Loc, you never received any reports concerning any unusual happenings in My Lai?

A. No, sir, I didn't.

Q. All right. Colonel GAVIN, we have here a document which is marked Exhibit M-5 which is a letter from Lieutenant TAN, then the district chief, Son Tinh District, to the Quang Ngai province chief, dated 28 March. I refer this letter to you and ask if you have ever seen this letter either in its Vietnamese form or the English translation thereof?

(Exhibit M-5 handed to witness.)

A. No, sir, because if I had, he would have had the designations of the units, sir. I did not see it, no, sir.

Q. Would he normally transmit a letter such as this without cutting you, his advisor, into the fact that he was sending such a letter?

A. Yes, sir, he could because his province chief queried him directly, then he in turn would go back down and talk with the village official who was out in one of our refugee camps. This is what he would base his investigation on and he would reply directly back through Vietnamese channels.

Q. Where was the village chief of My Lai? Where was he located?

A. I don't know which refugee camp, but he was in the refugee camps which were generally here along Highway 1. They ran from the railroad to approximately right along in this area here (indicating).

COL WILSON: Coordinate.

A. On the west it would be the intersection of the railroad here and this highway, and on both sides of the road here. Throughout this area.

MR WEST: Just below Son Tinh. Could you describe it for the record, so that we can locate it.

A. If I had the name of this road.

MR WEST: Use your map.

A. Highway 58. North and south of Highway 58. They were located north and south of Highway 58 from Highway 1 to the railroad. That was in the western portion. In the east they were along this--

IO: (Interposing) 521?

A. 521 going east to approximately the 65 grid line. Between Highway 1 and the 65 grid line. I don't know exactly which camp they were in. A number of the camps were named after the villages where the refugees had come from. But I don't remember them all that well.

Q. Was your intelligence operation there with the Vietnamese, was it a joint operation, combined?

A. No, other than the fact that I had an advisor that worked with them.

Q. Worked right in with them?

A. Yes, sir.

Q. Did he maintain a log of intelligence activities?

A. No, sir.

Q. Did you maintain a log of any activities there?

A. As far as intelligence activities?

Q. Intelligence activities or any other kind of activities?

A. We maintained the normal MACV reports of actions and incidents and this type of thing. These were maintained at my CP up on the hill above the district headquarters where we had our radio and we transmitted these reports.

Q. To your knowledge, is that log still there?

A. Yes, sir.

Q. Did you bring with you any documents of this particular period which might pertain to the operation in the My Lai (4) area?

A. No, sir.

Q. Did you ever receive a request from Task Force Barker, from the 11th Brigade, or from the Americal Division for information concerning anything that may have taken place there? Any information concerning the refugee problem from My Lai (4) or any other problem?

A. No, sir.

Q. Were you ever aware that an investigation, or investigations was, or were, being made of the incident of 16 March at My Lai (4)?

A. What do you mean by ever? Of course, I have within the last 2 or 3 months.

Q. While you were acting as senior district advisor to Son Tinh District?

A. No, sir, because I feel that I would have been brought into it, sir.

Q. Did Colonel BARKER or Colonel HENDERSON or anybody from division ever come to you and talk to you about the situation in My Lai (4)?

A. Not that I remember, sir.

Q. Do you recall any investigation of this incident being made by ARVN? Either by the armed forces, the Vietnamese armed forces, or by the province and/or the district?

A. No, sir. As I say, I had no knowledge of any investigation.

MR WEST: We have received testimony that when Task Force Barker was preparing for this operation on 15 March 1968, the commanders were briefed and this was passed on to the men of the companies that they expected the civilian population of My Lai (4) to be out of the hamlet by 7 o'clock in the morning going to the market at either Quang Ngai or Son Tinh. Based on your experience there, would you think this is a reasonable assumption that all the people would be out of the hamlet?

A. No, not all of them, sir. Only of the women that carried the stuff that they had to market, or that they had to buy, they, in some cases would take their children with them, but not the entire hamlet, no, sir.

Q. Is it customary for the men to go to market, or just the women?

A. No, sir, usually the men went out and worked in their paddies, and this type of thing, and the women did the marketing, carried the "chogie baskets."

Q. Did the Vietnamese authorities, the government authorities, make any planned effort to get the people of My Lai (4) to move out and move into the refugee camps?

A. Well, the people, as far as going out and forcing them to move, no, sir. We had them rounded up two or three times. As a matter of fact, the ROK's had them rounded up

that fall before Tet up near the Batangan Peninsula, and at that time when the people were released from that camp, the ones that had boats were allowed to go back to their hamlets and pick up their boats, and their boats were then escorted down to a resettlement village down in the mouth of the Song Tra Khuc proper away from the Batangan area, and the people, the farmers, the ones that were from Binh Son District, the next district to the north, you can see the boundary on the map, they were taken then to the refugee camps in Binh Son. This is what happened to these people when they were released from these Korean Marines who had them rounded up. I had numerous operations out in that area, both American and ARVN combined operations, as well as RF/PF operations out to district. We never got into the Pinkville proper because we didn't have enough force. But the people had ample opportunity to leave the area if they had so wished. The VC weren't standing on the border saying, "No, you can't."

IO: May I ask if you had facilities to handle any additional refugees?

A. Well, as the refugees came in, facilities were built, sir.

Q. Yes.

A. Because in August of 1967, we did in a combined operation open the road all the way out to the mountains in the west, and the people requested that we guard this road and give them time to walk out. Now these were people that were actually so deep in VC territory that even though they wanted to come out of there, they couldn't. The VC could prevent them because it was too long a walk. And we opened the road, and I have forgotten the exact number, but there were quite a few thousand that brought their cows, and their other possessions with them.

MR WEST: So indications are that the civilians living in My Lai (4) were there of their own free will, would you say?

A. Yes, sir.

Q. And you were there as the senior advisor to the district chief for about 2 years?

A. A year and a half, sir.

Q. Have you read accounts in the newspapers about the so-called My Lai incident?

A. Yes, sir.

Q. Did you ever hear of anything comparable to that occurring in Vietnam during your time there?

A. No, sir, I didn't. And as I say, sir, there were other incidents in the district involving Americans, and I was right up in the big middle of them of necessity because there were formal investigations; the CID and all these people came down. There was one man that got shot on a motorcycle along Highway 1, and there was another alleged rape by American units, and these stand out in my mind. I can remember exactly all the details. The 16th of March doesn't stick out.

Q. Could you give me a general idea of the nature and the extent of the investigation of incidents, what was normal in your experience?

A. How the others were handled?

Q. Yes.

A. The CID from Chu Lai would come down and take statements from everybody involved, and then I would go down with the district chief to the scene if it was where we could get. As I say, for these two different incidents that came up, they are very vivid in my mind.

Q. It would be both by a division, investigation and one by the Vietnamese?

A. The Vietnamese with the National Police, yes, sir.

IO: Are these criminal investigations or investigation of atrocities you are referring to, Colonel GAVIN?

A. These two, I believe, were criminal investigations. They were incidents that had happened in the government controlled area.

MR WEST: In your experience, are you aware of any atrocities committed during this time which were the subject of an investigation?

A. No, sir.

IO: Colonel MILLER.

COL MILLER: Based on your knowledge and experience in this area, at what time of day is it most likely that there would be fewer people in a hamlet?

A. In the early part of the morning.

Q. About what time?

A. Seven o'clock. Because they would be up at daylight. They would normally get to the market at 6 o'clock or so, or start walking towards the market with their baskets. This question might have been raised to me, but, if it was, then the answer was misconstrued because the hamlet would never be abandoned.

Q. Did the intelligence matters that came to the district--you had an assistant, did most of it normally come up to you, or did your assistant--were most of them handled by your assistant?

A. These various intelligence reports, VC locations, caches, tunnels, resupply movements that were projected, or VC cadre meetings, this type of thing, when these came in, I'd get a stack of them, and I, myself, would, as well as my lieutenant, would read through them and plot them on this map (indicating), so I would have a day to day knowledge of the situation within the district.

COL MILLER: That's all I have.

COL WILSON: Had you ever had any reports about National Police executing prisoners or VC suspects?

A. No.

Q. Do you know why the ARVN district chief did not know about this operation?

A. I thought I explained that earlier.

COL WILSON: I'm sorry. I retract the statement if it is in the record. I didn't get it.

Do you know who the advisor, the U.S. advisor, to the 2d ARVN Division was during this period?

A. No, sir. I know the one that followed. I can't remember his name. I can picture him, but I know the man that followed him. The name won't come to me. Because we worked--the division team, and the district and the province were separated. They separated them, finally, into two different team numbers, and I'd get into that compound, 2d Division compound, quite infrequently.

Q. Can you give me the north-south grid line where the GVN control terminated?

A. It's diagonal.

Q. Could you describe it in general terms?

A. It would generally run from the mountains east of An Loc, Nui Ngang Mountain, and then it would cut across northwest to the intersection of the 69 (studying map) and....

IO: If you would, Colonel GAVIN, show us on the map about where it is.

A. Generally, sir, it started here at the river (indicating) and ran along the top of this mountain

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A. Yes.

COL WILSON: May we have copies of your VC propaganda that you referred to?

A. Yes.

Q. Do you have it with you?

A. No, I've got it at home. I live right here in Alexandria though.

Q. Would you bring it down sometime?

A. Yes.

Q. About your map, can we reproduce it?

A. It's kind of beat up, but, yes, sir. These are all the GVN names for the hamlets, sir, we carried on the hamlet report, and they differ in many instances from the map names.

Q. I would like to get with you after we've completed with you. That's all I have, sir.

COL FRANKLIN: Suppose in the My Lai/Pinkville area, if American forces were operating in there, would you give them certain instructions, and I'm thinking, particularly if they wanted to burn or destroy hootches or kill livestock, would they have to clear it with you? What was your policy?

A. The Vietnamese policy here, and I didn't give them any specific instructions, but anytime they went down into this area for search and destroy, then they did destroy the tunnel complexes, bunkers, and burn the houses. Now, the livestock, no, sir, there was no slaughter of livestock.

Q. You mean this was forbidden?

A. It wasn't specifically forbidden, sir. It just never came up. It was never done.

Q. Did anybody ever talk to you about the 16 March operation, about going into My Lai (4) and burning and leveling and destroying and killing livestock?

A. No, sir.

Q. If they would have asked you, would you have given them permission?

A. No, sir. As far as burning the houses, sir, and destroying the bunkers--

Q. (Interposing) I'm talking about houses, hootches, and livestock.

A. There was never any question on livestock, and I wouldn't give that permission, no, sir. It was never done.

Q. Would you give permission to fire prep fire into the village of My Lai (4), prep fire for the combat assault?

A. If it fell within this overlay that had been provided to me by the Vietnamese, yes, sir, it would be cleared. The mission request would be cleared.

Q. You spent 18 months over there. Does it seem logical to you that--you must have pretty good relations with this guy TAN although he came in just before Tet--but if he got a complaint from some village chief that some hundred people had been massacred by Americans, wouldn't he normally come and ask you about this?

A. If he had substantial evidence, then he would come to me, yes, sir.

Q. Did he speak English?

A. Yes.

Q. You talked to him every day?

A. I talked to him every day.

Q. But he never mentioned this to you?

A. No, sir.

Q. And yet he wrote a letter up to the province chief. What was the district chief's view towards these

civilians in the My Lai area? Did he care about them? What did he consider them?

A. He considered them VC, sir.

Q. All of them?

A. Yes, sir.

Q. Little kids, women, everybody?

A. As I say, I went out there on operations with the RF/PF that he commanded, and the civilians were not combatants and they were not fired upon. He didn't go out there and--because I say, every operation, the people were there. Anytime you went out into that area you would have people, refugees, but they wouldn't go far. They just go off to the side.

Q. You know this guy. Would he be concerned if innocent civilians were killed in a military operation? Would this upset him?

A. If they were killed by air or artillery, no, sir, I don't think it would because he felt that since they were there by choice, then this was the chance they were taking by choice. But there was never any operation to go out there and round them up and level the place, no, sir. It was just SOP that whenever you went out there, whenever you could get enough force to penetrate the area, the ARVN, the RF/PF, whoever it was, would, just by SOP, burn the hootches and destroy the bunkers, and if they had the explosives, the tunnels and bunkers.

Q. In your opinion in 18 months in that area, do you think it was possible to have a massacre of, let's say, a hundred or more people up in that area and you not know it?

A. Yes, sir.

Q. You say it was possible?

A. Yes, sir. I think it would be possible because that is out in the VC area.

Q. The 48th Local Force Battalion, is that supposed to be a pretty good battalion?

A. Yes, sir, they sure were.

Q. Task Force Barker was going in to try and knock out this battalion. I would imagine this would be of great interest to you. This is the third major operation, I believe, that they had conducted in about a month and a half. It would seem that you would pay a lot of attention and that you would be very interested in it?

A. There were two local force companies and the 48th that stayed in that area periodically. That was their base area. They ran it. When they would get hurt real bad, they would go back to the west to the mountains to regroup, retrain, and rearm. As far as me getting hepped up on any one operation to go out there specifically to get the 48th, we were always after the 48th, sir.

Q. You heard of this body count of over 100. Did you think that was a pretty good--did you believe it?

A. Yes, sir, because as I say, there were two companies that stayed out there in addition to the 48th, and this did not include your local village and hamlet guerrilla, guards, and this type thing. So, yes, sir, this to my knowledge would have been entirely feasible. As far as having that many VC in that area, yes, sir.

COL FRANKLIN: No more questions, sir.

IO: If it was feasible, assuming it was feasible, what would you have expected the weapon count to be coming out of an operation such as that?

A. Well, actually, sir, as I say, the people out there were trained to hide the weapons if the VC got killed, and me not having been there, this is what I assumed when the weapons count was so low.

Q. When you received the report of the operation, was there any indication at all that a number of civilians had been killed in the area?

A. No, sir.

Q. By artillery or gunships?

A. No, sir, because, as I say, I just called that night after the operation, or the next day, just called them and said, "Well, what was your final count?" And this was just for my own information because they never gave us after action reports. We were not in their chain. It was just a radio-type conversation.

Q. I have one more question I would like to ask. You indicated that you had operated in this area on several occasions?

A. Yes, sir.

Q. After this time, did the ARVN or did the RF and the PF go back into this area?

A. Yes, sir.

Q. Did you get any bleed-off at all or any information at that time concerning an incident that might have happened on the 16th?

A. No, sir.

Q. Did you go into the My Lai area at that time on any of your operations that you can recall? Think a minute. Take a minute and think about it.

A. I'm trying to think, sir. Eighteen months is a lot of operations, and I was out in that area quite frequently.

Q. I understand that.

A. I'm quite sure that one subsequent operation, we went--no, sir, I was thinking we had gone all the way up

there to My Lai (4), but we didn't. We stopped on what is shown on your map as Ky Tay. That's the one because I called a medevac for a small child that had his arm wounded.

Q. That was about 1,000 meters to the west?

A. Right, sir, about 1,000 meters. Because as I say, the VC had Hill 85, and they had mortars around it and if we got out there too far, we'd get pasted up pretty bad.

Q. You left what time this year?

A. January 1969, sir.

Q. January. And when you left, what was the situation with respect to the control of that area? You had drawn an imaginary line for us. Had that line moved to the east or what was the general attitude then in this area 9 or 10 months ago?

A. Yes, sir, it had moved to the east, and, also, most of the people from that area, when I left, as a matter of fact, the day I left, the day before I left, I was down, in a helicopter down in the sand bar down by Quang Ngai City because we were bringing all the refugees out. It was that big amphibious combined operation we had out there. It included the ARVN, the Marines, to try to trap Battalion 48 and one other battalion out on the Batangan Peninsula and encircle the area. When I left, I think they had brought out about 12,000, well, 7,000 actually when I left. I heard later that the count was up higher than that.

Q. Was this the operation the 101st Airborne Division was involved in?

A. I believe so, sir. As I say, I was down in the refugee-receiving end at the big temporary refugee camp that province had set up to receive these people.

COL FRANKLIN: I'd like to ask one more question.

You operated 18 months with the 4th Division, Americal outfits, and Task Force Barker. With respect to their combat effectiveness, morale, and relations with the Vietnamese, how would you classify Task Force Barker?

A. I never dealt with the troops of Task Force Barker, sir, so I really couldn't say. I wouldn't be in a position to determine. I dealt, as I say, with Colonel BARKER and the S3 and the S2, and these people, but as far as going out on an operation with them, I never did.

Q. Did they give you the impression of a going outfit, the staff and Colonel BARKER, a going outfit who seemed to know what it was all about?

A. Yes, sir, they seemed to be a real gung ho outfit. They knew what their job was to get the VC out of this area. Because it was mighty tough out there, sir.

COL MILLER: I think one or two of these will require your opinion more than precise knowledge. The village chief had information upon which to make a report, and, yet, he is somewhat to the west--

A. (Interposing) The village chief, sir.

Q. Of Son My. How would he have gotten this information?

A. The people went back and forth. They would come into market, and the people who lived in the refugee camp would talk to the people from the VC area, and those village chiefs and hamlet chiefs that were in the refugee camps could tell you everybody, by name, that was usually out there in these various hamlets out in the VC area because there was an exchange of information.

Q. Was it very probable that one of those people, one of the relatives or one of the injured, might have gone through the lines and had gone up to the South Vietnamese government official--

A. (Interposing) As I say, sir, there was no problem getting through the lines. All you had to do was walk down the road. They came into Son Tinh market. If they wanted, they could do it. The people there in the east, there was no restriction on their movement between the VC area and the government area.

Q. Was any compensation paid to people in the Viet Cong controlled area for injuries to civilians?

A. (Shaking head in the negative.) Never came up. There were never any claims or anything that I knew of.

IO: Was there any solace payment which the GVN and U.S. forces paid when somebody was injured or killed, let's say by artillery fire, anything of this nature, which you normally handled?

A. There was never any out there because the people would come into the market, but they wouldn't come and put a claim on that district, because the first thing he asks is, "Why are you out there?"

COL MILLER: If any of them had a complaint to make, most likely, somebody from that village could have come back into the GVN area and made the complaint.

A. Oh, yes. As I say, the women came into this market at Son Tan.

Q. But you know of no complaint like that?

A. Oh, no, sir. Like I say, there was nothing to make that operation stand out from any of the many others I had worked with.

IO: Colonel GAVIN, we are just about to finish with our inquiry with you. Before we do so, however, we would like you to think for a minute and then provide for us any additional information that you can think of which might

assist us in this inquiry concerning the evidence, of investigations which were conducted of the My Lai incident. Any attempts that may have been made to suppress information of the My Lai incident, or anything which in your judgment would be of assistance to this hearing.

A. Sir, I honestly can't think of a thing, sir, because as I say, I didn't even know anything about it until it came out in the paper. I had been involved in these other incidents and they were very vividly clear and here there was nothing.

IO: This hearing will now recess.

(The hearing recessed at 1655 hours, 6 December 1969)

(END OF PAGE)

(The hearing reconvened at 1800 hours,
11 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, COL ARMSTRONG, COL MILLER, LTC ROGERS, and MAJ LYNN.

The hearing recalls Lieutenant Colonel David C. GAVIN.

I remind you that you remain under oath for this hearing.

A. Yes, sir.

IO: Colonel GAVIN, since you last appeared before this inquiry, which was in the early part of December, we have talked to a large number of people. All told, including those we have talked to before, we have talked to something in excess of 350 people.

In addition, we have assembled quite a large number of documents which have to do with the My Lai incident, the incident itself, the reporting of the incident by various means and the investigation of the incident or incidents.

In addition to talking to the people here in the United States, Mr. MACCRATE and myself and some other members of the inquiry team have visited South Vietnam where we have had an opportunity to talk to the people in the various headquarters of MACV, III MAF, and so forth. We have also visited the Americal Division, the 11th Brigade, LZ Dottie. We have also been to the 2d ARVN Division headquarters, to province headquarters, to Son Tinh District, and we have talked to the Americans that are associated with those headquarters. Some of them at the present time, and some of whom were there previously, and we have talked to a large number of the responsible Vietnamese authorities, including such individuals as Colonel TOAN, now General TOAN, and Colonel KHIEN, who was replaced as the province chief while we were there. We talked to his successor Colonel BINH, and we have also talked to, now Captain TAN, who was the information officer or intelligence officer at province headquarters in Quang Ngai. We have

talked to General LAM and III MAF headquarters. In addition to all of these, we visited the so called My Lai (4) Hamlet. It's actually Thuan Yen Subhamlet of Tu Cung Village, as you know. Actually, there are a total of five subhamlets in Tu Cung Village.

So we are pretty well organized as to the geography of the area, the organization of the command, and how the operation took place. What I am saying is that we have a great wealth of information at the present time.

A. Yes, sir.

Q. So with this, we are taking advantage now of filling in some of the gaps. This is one of the reasons we called you in, to fill in some of these gaps and to ask you some additional questions. Before we do, however, I would like Colonel MILLER who, as you know, is a representative of the Office of the Judge Advocate General, to warn you of your rights and advise you concerning what we suspect of you.

A. All right, sir.

COL MILLER: On the bases of the evidence that has been received and considered in this investigation since you last testified, I inform you that you are now suspected of having committed certain offenses in violation of the Uniform Code of Military Justice. These having been done, if they were, in connection with your actions or your failure to take action with respect to information and reports which came to your official attention and which pertain to the alleged killing of Vietnamese civilians in significant numbers by American troops in the Son My Village area during the period of about 16 to 18 March of 1968.

More specifically, you are suspected of failure to obey general regulations concerning the reporting of knowledge or information of reports that pertain to alleged suspected or apparent war crimes.

Secondly, of dereliction of duty in that you had brought to your official attention through Vietnamese channels allegations and reports of killing of significant numbers of

Vietnamese civilians by American troops in Son My area on or about 16 to 18 March 1968 and that you failed to take affirmative action to verify this information or to seek the additional reports and information through Vietnamese channels.

Under the circumstances, I also want to be certain that you understand your right with respect to giving testimony and your right to counsel.

First of all, you have a right to remain silent and answer no question whatsoever.

Any statement you do make can be used as evidence against you in a criminal trial.

You have a right to consult with counsel, and by counsel I mean a qualified lawyer. This counsel could be civilian counsel of your own choice who would be employed by you at your own expense or it could be military counsel who will be provided for you. If you wish, you could employ civilian counsel and also have military counsel made available. If you have counsel of your own selection that you would prefer and if he is reasonably available, we will try to make him available. Otherwise, you will receive a designated counsel.

You may decide to proceed and answer questions without having counsel present, and this is also your right. If you do that, your same rights with respect to giving testimony or refusing to answer questions at anytime will apply, and you can stop answering questions, refuse to answer particular questions, or you can request the appointment of counsel at any time.

Do you understand what I have said so far?

IO: Before you go on, I want to add one thing here for the matter of the record. In your last statement, you said he is specifically suspected of, and your last phrase was "failed to take affirmative action to verify this information, or seek additional reports and information through Vietnamese channels."

COL MILLER: Yes, sir.

IO: And I would like to add in there, through Vietnamese and/or U.S. channels.

COL MILLER: Do you understand the addition to that suspicion which has to do with dereliction of duty?

A. Yes, sir.

Q. Do you understand what I have said so far?

A. Yes.

Q. You understand what your rights are? Do you wish to have me explain them further?

A. No, sir.

Q. Would you at this time wish to have counsel made available to you or to be given an opportunity to seek civilian counsel?

A. You say that I can elect to have counsel at a later time during the course of interrogation?

Q. Yes, or you can refuse to answer any questions on your own at any time.

A. No, sir, I'll answer, sir, but as I say, I would like to reserve the right. I am rather taken aback, sir.

Q. Are you willing to answer questions at this time?

A. Yes, sir.

Q. Do you waive your right to counsel at this time?

A. At this time, yes, sir.

Q. It can always be reinstated. You can request counsel at any time if you wish.

A. Yes, sir.

Q. And you waive your right not to testify?

A. Yes, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1809 hours, 11 February 1970.)

(The hearing reconvened at 1000 hours, 12 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, COL MILLER, COL ARMSTRONG, LTC RODGER, and MAJ LYNN.

Sir, the hearing recalls Lieutenant Colonel David C. GAVIN.

(LTC GAVIN was recalled as a witness, was reminded that he was still under oath, and testified as follows:)

COL MILLER: Colonel Gavin, just before we recessed last night I advised you that you are now suspected of certain offenses, and that you had a right to either military or civilian counsel or both. Military counsel would be provided if you wish. I also advised that you do not have to make any statement whatsoever. If you decide to testify, nevertheless, you may refuse to answer any questions or any further questions or request counsel during the hearing. You've indicated that you wish to testify. Are you still willing to testify and answer questions at this time?

A. Yes, sir.

Q. Do you understand about your right to counsel and your right with respect to testimony?

A. Yes, sir.

Q. Understanding that, you still wish to answer questions at this time?

A. I do, sir.

Q. Do you want counsel?

A. No, not at this time, sir.

IO: Colonel GAVIN, I went over it last evening. I indicated the additional information that we assembled between the time we last talked to you and the present time, also the documents. I would ask Mr. MACCRATE to direct the questioning here this morning. After he gets through on each of these points, any of the other individuals here at the table may direct questions to you.

MR MACCRATE: Colonel GAVIN, we are aware that during some periods in the March-April time frame that you were actually away from the Son Tinh District?

A. Yes, sir.

Q. And I think it would be helpful to us and helpful in tracing events at that time if we could fix those dates that you were away.

A. All right, sir.

Q. We can perhaps help you. We do have some information on this, but if you have any information that relates to this, I think if we could--

A. (Interposing) I have some documentation, sir, some of the R&R and leave orders that I brought back from my personal file. I am missing the order for Bangkok. However, I did pinpoint those dates by use of my check records, in other words, the date and number of the check and to whom I wrote it, so I can pinpoint those dates. My special leave, and these are the dates that extend from the day that I left Quang Ngai until the day I returned to Quang Ngai, this would normally include 1 day on each end, because I'd have to wait until I got an aircraft to go down. This special leave was from 24 May to 2 July. I do have the orders on that. The R&R to Bangkok was from 4 May to 13 May. This is the one I had to get from the check information. My R&R to Hawaii was in October, from the 11th to the 21st of October.

Q. Is that 1967?

A. 1968.

Q. 1968.

A. And then I had emergency leave which began on 9 November for approximately 2 weeks. That's when my sister died, and I had to come back. There was one other period that I had orders, it was for R&R, if I could get on the plane. I went up to Danang and they couldn't get me on, so I used it as an in-country R&R. I was there 3 or 4 days, but I don't have any documentation. I can't pinpoint that one in any way.

Q. Well, we understand that the last period may have been in the month of April.

A. It could have been, sir, but I don't have anything. I was hoping, as I told your people when they called me about these dates earlier, that they would have the sign out registers there, because when I went on something like that I signed in and signed out. I was hoping that this would pinpoint it, but other than that I have no documentation.

Q. Well, you had an assistant by the name of Captain RODRIGUEZ.

A. Right, sir.

Q. And you may recall that there was a period that he was away in Saigon early in April. Does this help you to fix the time that you took this trip up to Danang trying to get out to Bangkok?

A. No, sir, we wouldn't have been both gone at once, so if you got his pinpointed, then this is all I can say. I wouldn't try to take off. This was not a scheduled R&R. I was just trying to go, because I had an in-country and I had R&R, and I was getting very close to my time for my special leave. I wanted to try to get them both in. This is why I say he and I would not be gone together, because mine was more of a bychoice absence.

IO: You'll remember with respect to Captain RODRIGUEZ, why he went to Saigon. He went down because of his retirement papers.

A. His physical, right, sir. It was a physical that he had to go down for, but the date, sir, no, sir. To further pinpoint it, they called and asked about Easter Sunday. I don't know the significance or anything, but I sat down and I have a statement here that I had made up for the S2 of the 4/3 which regarded an operation. This statement was made out-- I typed it myself there on the hill--it was dated 16 April in regard to an operation on 2 April.

This is another thing I can't pin down, but I had been away, and when I got back on Monday somebody told me Captain LAUSON had been down there a couple of times trying to get this statement (indicating a piece of paper later entered as Exhibit M-114) because he needed to send it in with the two citations. This was for the Bronze Star Award. They needed both citations to go in together, because they were in the same operation. This was typed up, after I looked at the date, on Tuesday the 16th. Now this sticks in my mind; this is something that rings a bell, that I had been away, and, as I said, he'd been down here after this thing. Then he came down the next day, and I typed it up.

But as I say, sir, this is as close as I can get now. I did also sit down with my check stubs, and this is about the best reference I had, and pinpointed specific dates when I was there, because there were checks that I wrote for bills, which means I had gotten my mail, and I was there with my checkbook. I didn't carry it around with me. I've got dates here which are from my check stubs, exact dates when I was there, but I don't have other dates or documentation as to when I was away.

Q. Did you find any checks between 10 April and 16 April?

A. No, sir. I don't have any. I wrote one on Sunday the 7th, and then there's none until the 26th as a matter of fact. The statement falls in here on the 16th, and I know that I typed that personally on the 16th.

Q. Well, this accords with Captain RODRIGUEZ's recollection, that you were in fact gone from perhaps the 10th. Sometime on the 10th he believes he returned.

A. Sir, I don't remember where I went. I think it was probably this R&R that I went up and tried to get out on and didn't and then just stayed in Chu Lai and took it as an in-country R&R.

Q. Do you recall that on 17 April there was an operation? You came back the day before, an operation in which the district advisor was involved?

A. Not in any specific operation. However, now that you mention Captain RODRIGUEZ, I believe I was sweating his getting back, because I already had these permissive orders at that time to leave on that day. I remember him coming in, and I think I told him "Now that you're here," and I went right out. So that must have been this one where I tried to get out and didn't, sir. That rings a bell, him coming back and walking in with a suitcase. I think I had mine packed, and I was sweating his return so that I could get out. That operation on the day following, unless there's something specific about it, doesn't ring a bell, no, sir.

Q. I think this does tend to confirm what we have previously assembled as to the dates of when you might have been out of Son Tinh. With respect to the individuals who were with you in the district at that time, you've already referred to Captain RODRIGUEZ. Can you recall Lieutenant TAN who was the district chief?

A. Right, sir, district chief.

Q. And you had a sergeant with you at the district?

A. I had three sergeants, sir. I went through three different teams because of the 18 month stay. At that time it was Captain TAN, Captain RODRIGUEZ, Lieutenant DAWKINS, and I'm not sure whether it was Sergeant WILLIS at that time.

Q. Sergeant CRADDOCK, perhaps?

A. CRADDOCK, a colored sergeant, right, sir.

Q. Down at the district office there was a civilian?

A. Mr. SITTIG, yes, sir. He lived with us.

Q. Then up at Binh Son there was Major WILLOUGHBY and Mr. RESSEGIUE?

A. Bob RESSEGIUE and WILLOUGHBY, right, sir.

Q. We talked to all these people since we spoke with you. You recall we spoke with you way back on 6 December.

A. Right, sir.

Q. We've had an opportunity from them to sketch in a great deal of the background. We also talked with a man that we understand was your interpreter.

A. Well, I had three. I had a pretty tough time with interpreters. I had three different ones.

Q. Sergeant Nguyen Quan TU?

A. TU, right, Sergeant TU.

Q. Then we've talked with Mr. MAY, Colonel GUINN, Colonel GREEN, General TOAN, and Colonel KHIEN, so you can see that we had a chance to speak with a number of people that you were dealing with at that time. I think we can help you to put the situation together, as you try to recall it. Then in addition, we actually paid a visit to Son Tinh District. We were up on the hill there and went into your shop. One thing we did find was a dearth of any records in the office.

A. Well, the only records, sir, that we would normally maintain was the log which we logged the operations. We logged radio messages, incoming and outgoing. We logged our normal after action reports and kept in a green ledger type book and just entries made, sir. Other than that, we had no formal record system at district level.

Q. Did you have any correspondence or prepare any memoranda or papers?

A. No, sir. The only papers we normally prepared in writing were the monthly hamlet report and the status of the

Vietnamese forces report. This possibly came in later, this status of forces report. They were monthly reports on standard forms.

Q. And what would you do with the retained file copy of such?

A. Those were kept in the file cabinet, sir. And they were all there when I left. But as far--as I say, the daily messages were just kept in the ledger.

IO: What about any correspondence that you may get from the district chief or from province? Would you keep that or just chuck it out?

A. That would depend on what it was, sir. If it was a directive or something of a lasting nature, then we would keep it. If it was intelligence reports or this type thing, they would be screened. Since they were confidential, we'd normally screen them, plot it on the map, and then destroy them because of the classification. We usually got maybe anywhere from a half to an inch of these a day.

Q. Are you talking about the HES reports?

A. No, sir. These are the intelligence--

Q. (Interposing) No, the other ones. You talked about your monthly reports which you had to submit to province covering your district.

A. Those were filed, and every one that had ever been submitted, sir to my knowledge, were still there on file.

Q. And then in addition to that you had to file your HES reports?

A. This was the HES report, sir, the Hamlet Evaluation Report.

Q. You also submitted a very brief monthly report which was used for input into the Quang Ngai Province report, wasn't it?

A. Yes, sir, a narrative that was attached to this machine listing.

MR MACCRATE: Do you ever remember receiving or being shown a copy by Lieutenant TAN of a letter from a village chief to Lieutenant TAN relating to an allied operation on 16 March into Tu Cung and Co Luy hamlets of Son My village?

A. No, sir.

Q. I'd like to show you Exhibit M-49. You'll see that it consists of a Vietnamese copy and then there's an English translation on top of it. I ask you if that in any way refreshes your recollection of something that Lieutenant TAN may have shown you almost 2 years ago?

A. No, sir, I never saw this letter.

Q. Well, I'd like you to read the letter and ask you if you recall at any time hearing any part of the content of that letter from Lieutenant TAN or any other way.

A. No, sir.

Q. You have previously provided us with a map, which you used during the time you were serving there (Exhibit MAP-3). You'll see that you have noted on there over in the Son My Village area the hamlet of Tu Cung, but then over along the shore you have something that is labeled Co Lay.

A. Right, sir.

Q. Were you aware that that was also referred to as Co Luy, L-U-Y, by the Vietnamese?

A. No, sir. But it would have been close enough that I would have recognized it, because it was the only hamlet that I had that was anywhere near that.

Q. Along about this time do you recall any conversations with Lieutenant TAN about reports that he was receiving from the village chiefs or the hamlet chiefs relating to what had occurred in an allied operation out at Son My Village?

A. No, sir, I don't. This might sound strange, but I'm under oath, but no, sir.

Q. Did you ever recall upon your return, possibly after you were away, speaking with Captain RODRIGUEZ about any such reports?

A. No, sir.

Q. Or anything that he had done with respect to such reports?

A. No, sir. I distinctly remember chewing Captain RODRIGUEZ out for the status, the shape the hill was in, but nothing of this nature, no, sir.

Q. Well, what was this, chewing him out for the status the hill was in?

A. Well, just the way the place looked, sir. He just hadn't run a tight ship, I'll put it that way, sir.

Q. When was this, what period of time?

A. This was upon my return from special leave, sir.

Q. When you had been away for a long period of time?

A. Thirty to thirty-five days, sir.

Q. Not when you were away 4 or 5 days?

A. No, sir. This was after my special leave in this particular instance, sir.

Q. Did you ever hear that Lieutenant TAN during the month of April had made a report to the province chief of Quang Ngai Province, Colonel KHIEN, regarding an operation up in this area and what had resulted by way of killing civilians out in Tu Cung, Co Luy?

A. No, sir. I remember a letter that you showed me when I was here earlier, sir, and I didn't see that letter.

Q. The letter we showed you at that time was dated 28 March.

A. Yes, sir.

Q. Do you have any recollection of a later letter that was sent to the district chief and to the province chief that had considerably more information in it and considerably more serious charges?

A. No, sir, I don't. I really don't understand it, because every other thing that came up that involved the Americans TAN was in there, had me, and he said, "We go." As I say, this was including these other two instances that had happened in the district, the alleged rape by the Americans and the shooting of a civilian on a motorcycle. He was right in there grabbing me, and we'd go because it involved Americans.

Q. I want to show you this document, Exhibit M-29, and it may refresh your recollection. This is the clearest Vietnamese copy, and here is an English translation together with a Vietnamese copy. And you'll notice down in the lower left-hand corner it says, "Major U.S. Advisor, Son Tinh Sub-section, courtesy copy." Now that would be you, would it not?

A. Yes, sir.

Q. I'd like you to read that letter.

A. No, sir, because the only thing that leaps right out here at me is in response, "The operational forces attacked the village, assembled the people, and shot and killed," no, sir.

Q. Well, maybe you saw a poor translation of this. Do you ever recall seeing anything comparable to this, reference to 400 people in Tu Cung Hamlet, 90 more people in Co Luy Hamlet of Son My Village?

A. No, sir, I don't. TU was a pretty good translator, and I don't think that that word would have been missed. When this thing broke in the papers, that was what really shocked me because I just couldn't comprehend it, sir.

Q. Well, Colonel GAVIN, TU states that he translated this letter for you.

A. Sir, TU translated as a matter of course. He would translate the letters and put the translated copy with the Vietnamese copy stapled together up on the sideboard. As to whether I read the letter, sir, I don't remember reading it. And I say this truthfully.

Q. Well, if anything as serious as this in its allegations had come into the district headquarters and those who were in the headquarters with you knew about it and were talking about it, was there any question in your mind that they would have shared that with you?

A. I should think so, sir, but as far as any talk, it was never talked as far as I know. I don't remember hearing any talk. TU translated operations orders. He translated a multitude of documents. Some of our intelligence reports, not a great percentage, but a percentage of them came in in Vietnamese, and he had to translate those. He would translate them, staple them together, and lay them over on the sideboard. Normally, Lieutenant DAWKINS screened through the intelligence reports.

Q. Do you ever recall being told about this document by anyone?

A. No, sir, I don't.

Q. Well, let me read to you just one question and answer of our interrogation of, now, Captain TAN in South Vietnam:

"Q. Captain TAN, while this was going on, had you kept Major GAVIN informed of what information you were getting from the village chiefs and the hamlet chiefs, and were you giving him copies of these reports?

"A. On the letter of 28 March, I did discuss this with him, but I didn't give him a copy. On the letter of 11 April, I did give him a copy of this letter."

This letter is M-29, that I've just shown you. That is now Captain TAN's recollection of what he did with respect to this letter, Exhibit M-29. Do you have any knowledge of hearing of a communication that may have gone from Colonel KHIEN to Colonel TOAN, the commanding general of the 2d ARVN Division?

A. No, sir.

Q. Do you have any recollection of hearing that General, then Colonel, TOAN had directed that an investigation be conducted with respect to the alleged killing of civilians in Tu Cung and Co Luy?

A. No, sir.

Q. I'd like to show you Exhibit M-36, which you'll see is an internal communication from Major PHO, the G2 of the 2d ARVN Division, to Colonel TOAN regarding an American unit operating in east Son Tinh on 16 March 1968, that shot and killed more than 400 civilians. That's the subject. Then he attaches to the memorandum a copy of a VC propaganda leaflet and a copy of this letter from Captain, then Lieutenant, TAN to Colonel KHIEN of 11 April 1968. Do you have any recollection of hearing about such a report being made to Colonel TOAN and any action taken by Colonel TOAN as a result of receiving that report?

A. No, sir, I didn't. This VC thing also contains this "assembled and killed." No, sir.

Q. If you'll look at the first page of the Vietnamese, you'll see handwriting on the left-hand side. Colonel TOAN has identified that as his directive with respect to the action that he instructed be taken at that time. You have no recollection at this time of ever hearing of such transpiring?

A. No, sir.

IO: Looking at the letter of 11 April, which is enclosed, you'll notice down at the bottom that a copy of that was sent to Colonel TOAN.

MR MACCRATE: And a copy also went to MACV, Quang Ngai Sector.

Do you have any recollection of any conversations with Colonel GUINN with respect to any such communication?

A. No, sir.

Q. It also appears on Exhibit M-29.

A. No, sir, because this last paragraph also is not familiar at all. This, "Really an atrocious attitude, if it cannot be called an act of insane violence. Request you intervene on behalf of the people." No, sir.

Q. You say you don't recall the last paragraph, but you do recall some of the subject matter of the letter?

A. No, sir. This is even more so because that stands out. It hits me right in the face.

Q. Colonel GAVIN, I should caution you at this time that your testimony is directly contrary to that of others that we have received. I've already indicated this to you. Your awareness of the content of this letter has been brought to us in several ways, and I want you to be very careful as you look at that letter to differentiate between a translation, little nuances in translation and the thrust, the subject matter of the letter.

A. Well, sir, I have no way of proving it other than my word and my knowledge. I mean that, but this killing 500 people, no, sir.

Q. I want you to think back to the situation at that time at Son Tinh District headquarters. You were there on a very intimate basis with living in close circumstances with Captain RODRIGUEZ and Lieutenant DAWKINS, and you talked about things as they came along. Do you have any recollection of talking with Captain RODRIGUEZ and Lieutenant DAWKINS about such allegations, allegations with respect to operations that you would have recognized as those of Task Force Barker that had recently been conducted? Perhaps you thought they were outrageous, but do you have any recollection of such charges and allegations being discussed by those two men with you?

A. I don't recollect it, sir, and I mean this.

Q. I now show you Exhibit M-30, which is a statement dated 14 April 1968, signed by Captain Angel M. RODRIGUEZ,

assistant district advisor, Son Tinh District. Do you have any recollection of seeing that document?

A. No, sir.

Q. Do you recall Captain RODRIGUEZ speaking with you about that document and its preparation?

A. No, sir, I don't recall it.

Q. Don't you recall that on 16 April when you came back from Danang that he told you what had occurred in the intervening days and told you about preparing this statement and about the request that had been received from the province advisor to talk with Lieutenant TAN, how he had talked to Lieutenant TAN, and prepared this statement, Exhibit M-30?

A. No, sir, because I think if he had discussed it with me, he would have shown me the statement and I've never seen it, because this contains the same thing, about them lining people up and shooting them. I had never heard anything about that until I read it in the paper.

Q. Colonel GAVIN, Captain RODRIGUEZ has a clear recollection of bringing this to your attention, your discussion with him. Lieutenant DAWKINS recalls discussing this same subject with you and Captain RODRIGUEZ.

A. Well, as I say, sir, he says he did and I say I have no recollection of it.

IO: Don't you recall sitting down with DAWKINS and these people at the lunch table and discussing these things? We have DAWKINS who indicated that he remembers a discussion between you and RODRIGUEZ talking about this particular thing, and the letter from the village chief to the district chief and the district chief's letter. He has a reasonably good recollection of it; not as vivid as RODRIGUEZ. RODRIGUEZ remembers all this and talking to you and briefing you on the paper?

A. No, sir, because it contains the statements about lining people up and shooting them. This is why I also stated earlier that I was so shocked when I read this thing in the

papers. We had civilians killed before, but it was by air and artillery and this type thing.

Q. If what you say is true, how can a thing like this go on in your headquarters and you not know?

A. I don't know, sir, to tell you the truth.

Q. You're running the district advisory team, and it transpired even though you were gone for a day or 2 in sion between Lieutenant TAN and Captain RODRIGUEZ and also with province advisory group. They also received a copy of the 11 April letter. So there's more than a little discussion going on, and it didn't die down in a matter of 1 day or 2 days, not by a long sight.

A. Well, all I can say is I don't know how it happened, but I was not aware. I don't know what else I can say in my, it appears now, defense, but I can make that statement and have a clear conscience, sir. I would have no reason to cover up knowledge of the thing.

Q. But quite obviously, there's something here that's going on because here's a paper of considerable import that's right in your own headquarters and you don't know about it. You never heard about it, nobody ever mentioned it, but the three key individuals there, Lieutenant TAN, Captain RODRIGUEZ, and Lieutenant DAWKINS all indicate your familiarity with it. If you were familiar with this, you would have to be familiar with the other.

A. Well, as I say, sir, I'm not familiar with this.

MR MACCRATE: Moreover, the recollections of Captain RODRIGUEZ coincides with yours exactly, that you were anxious for him to get back from Saigon. As closely as we can fix the date, you did depart from Son Tinh shortly after he arrived on 10 April.

A. Right, sir.

Q. And you returned probably, at least, by 16 April. That you were not there the day that this paper was prepared is

probably the case, but it is his clear recollection that he reported this to you and told you how he came to prepare it, the request that had been received, and all of the circumstances. Furthermore, there is additional action that was taken with respect to this statement.

A. Well, sir, if he did, I don't remember, and I have no recollection whatsoever of this piece of paper. I do remember, as I say, when I was trying to nail down these things about this statement. I remember somebody telling me when I walked in that this captain had been there trying to get this statement (later entered as Exhibit M-114). That I remember.

RCDR: This statement will be entered into the record and marked as Exhibit M-114. (Document entered is a 16 April 1968 statement by LTC GAVIN in support of recommendation of awards for CPT LAUSON and PFC JOHNSON.)

MR MACCRATE: Colonel GAVIN, I would like you to look at two pages of VC propaganda, which were a part of M-36, and ask you if you ever recall seeing a copy of those pages?

(IO and COL FRANKLIN leave the hearing room.)

A. This looks like the same document that you showed me in December, and I have not seen it. No, sir.

Q. You never recall seeing that or a comparable translation of it?

A. No, sir. I brought in all the propaganda that I had picked up. I brought it in here and made you copies of it, sir.

Q. Just to be clear on the record, I'd like to show lation of a notice such as that, dated 28 March 1968?

A. No, sir.

Q. You don't recall having seen that?

A. No, sir.

Q. We will recess temporarily at this time.

(The hearing recessed at 1053 hours, 12 February 1970.)

(The hearing reconvened at 1130 hours, 12 February 1970.)

(Present during the proceedings were LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL ARMSTRONG, COL MILLER, and LTC ROGER, and MAJ LYNN.)

IO: Colonel GAVIN, in your testimony this morning you told us certain things which have been directly contradictory to other testimony, which we've had from other witnesses. Also, you have disassociated yourself from and have shown a lack of knowledge of documents which we know were in the headquarters and were addressed to your headquarters, which we incidentally found at the headquarters of Son Tinh District. This causes us to have additional suspicions of something that you may possibly be involved in. At this time I will ask Colonel MILLER to go on. Colonel MILLER?

COL MILLER: Colonel, as a result of your testimony this morning you are suspected of having given false testimony under oath today, and that constitutes the offense of false swearing which is in violation of Article 134 of the Uniform Code of Military Justice. Your testimony has also caused you to be suspected of the suppression of, and the possible participation in a conspiracy to suppress, information and reports concerning, and also the investigation of, acts allegedly committed by American troops, more specifically Task Force Barker troops, during the Task Force Barker operations in the Son My area of Vietnam on approximately 16 to 18 March 1968. This information and reports and the investigation to which I refer, which you are suspected of suppressing and conspiring to suppress, concern alleged serious offenses which are in violation of the Laws of War and the Uniform Code of Military Justice, that is, these alleged acts committed by American troops in that area.

Now, I did advise you yesterday with respect to your right to counsel and to testify, and I will cover it again with respect to these acts, as well as the other matters.

You still have the right to remain silent, to answer no further questions, or you have the right to be represented by counsel. Any statement that you do make can be used in evidence against you. If you wish to have counsel, you can, as I stated before. It can be civilian counsel employed by you, or military counsel will be appointed. If you have a military counsel of your choice, if he is reasonably available, he will be appointed. If you do continue to answer questions and testify, you may do so without counsel. We feel that you are aware of your rights and may make an intelligent waiver of this right. If you do decide to answer questions without counsel, you may still refuse to answer questions and terminate the questioning at any time or request counsel at any time. Would you like to have me relate again the suspicions or acts of which you are suspected?

A. It won't be necessary. I feel, however, I would be remiss if I didn't get counsel at this point. I have made no false statements. If that is your suspicion, then, sir, I have no other choice.

IO: The hearing will recess at this time.

(The hearing recessed at 1134 hours, 12 February 1970.)

(The hearing reconvened at 1900 hours, 12 February 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, COL MILLER, LTC ROGERS, LTC PATTERSON, and MAJ LYNN.

Sir, the hearing recalls Lieutenant Colonel David GAVIN.

Colonel GAVIN, sir, I remind you that you remain under oath before this hearing.

Sir, are you represented by counsel?

A. Yes, I am.

RCDR: Will counsel please state his full name, rank, Social Security number, organization, and station?

IC: Robert A. MANGRUM, Captain, I'm assigned to the Office of The Judge Advocate General here at the Pentagon.

RCDR: Thank you.

COL MILLER: Colonel GAVIN, earlier today, you were informed of additional offenses of which you are suspected. I again read you the rights with respect to counsel and testimony, and at that point you requested counsel. Since that time, Captain MANGRUM has been made available as counsel for you.

Captain, you are a lawyer admitted to practice law, I believe.

IC: Yes, sir.

Q. A member of the Judge Advocate General Corps?

IC: Yes, sir.

Q. Colonel GAVIN, are you satisfied with Captain MANGRUM as your counsel?

A. Yes, sir, I am.

Q. Have you had opportunity to consult with him sufficiently?

A. Yes, I have, sir.

Q. For the record, he has had made available the entire testimony, including a transcript of the testimony that was given this morning. I have a copy here if you wish to refer to it further at any time. Would you like me to repeat all your rights with respect to testifying or remaining silent?

A. No, sir, it's not necessary, sir. I have a statement.

Q. All right. My next question then, are you willing at this time to make a statement or to answer questions.

A. I want to make a statement, sir.

MR WEST: Are you not going to answer any questions?

A. No, sir.

Q. On what grounds?

A. I have conferred with counsel, sir, and I have nothing to add to my previous testimony.

Q. That is not a sufficient basis for refusing to answer questions.

A. Well, I was informed earlier, sir, that I had the option of remaining silent.

Q. Well, that's for a very particular reason. I suggest you confer with your counsel.

COL MILLER: You have the option of remaining silent and not testifying with respect to any matter of which you are now suspect. You might discuss that with your counsel.

A. Yes, sir, I--

Q. (Interposing) Are you declining to testify on your Article 31, UCMJ rights, or for other reasons.

IC: Under Article 31, sir.

A. Article 31, UCMJ, sir.

Q. On the grounds against self-incrimination, which you would not testify with respect to anything concerning which you are suspected.

A. Right, sir.

Q. You have those?

A. Yes, sir.

MR WEST: And you feel on that basis that you will not be able to answer any questions put to you? Is that it?

A. That pertain to that subject, sir. As I say, I have answered every question that's been put to me as candidly as I know how and as honestly as I know how. I have nothing to add. Due to some peculiar circumstances, I did not get knowledge of this massacre. I think that anything I say in answer to a question would be a rehash of what I stated previously, sir.

Q. Well, I just wanted to be clear as to your basis for not answering any questions.

IO: You may think you've provided us all the information that we need, but very frankly, we're not of that opinion, otherwise we wouldn't want to be asking you any questions.

MR MACCRATE: We have additional areas of interrogation that were not covered in the questioning thus far.

MR WEST: I think the possibility is that you may be able to answer some questions which would in no way tend to incriminate you. Perhaps we could indicate the areas of interest and you can confer with your counsel. I'd suggest you confer with him, now.

IC: Sir, you said that perhaps you could indicate the areas of interest.

Q. I think we could, yes.

IC: You mean prior to the questioning?

Q. Yes.

IO: We can indicate the areas of questioning and you can tell us whether you want to testify or you don't want to testify. I just wonder if Colonel GAVIN and Captain MANGRUM would like to withdraw and discuss this in detail.

A. No, sir, it's not necessary. We discussed it enough. I'm just bull-headed enough that I'll go on. I didn't have anything to hide, so I don't now, except I've had added two charges.

COL MILLER: I'd like to state one thing before we go on. Under Article 31, of course, colonel, and there is no intention whatsoever to deprive you of this right, no person subject to the code can compel a person to incriminate himself, nor to answer questions that the answer to which may tend to incriminate him. If you're willing to continue and any questions are asked that you feel will do this to you, you have complete right to so state if you feel that we're doing so and we will drop the question and that question need not be answered. On the other hand, there are a number of areas, as General PEERS and Mr. WEST indicated, which you may feel that you can answer questions with no fear of any self-incrimination. You know that, of course, better than we do. So if there are any questions asked you feel you cannot answer because they do or they may tend to incriminate you, do so speak.

IO: You're prepared to proceed with the questioning?

A. Yes, sir.

Q. We'll recess at this time, and we'll reconvene tomorrow morning around 0830, at which time we'll continue the questioning.

(The hearing recessed at 1910 hours, 12 February 1970.)

(The hearing reconvened at 1459 hours, 13 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, COL MILLER, LTC ROGERS, LTC PATTERSON, and MAJ LYNN.

The hearing recalls Lieutenant Colonel GAVIN.

Colonel GAVIN, sir, you are reminded you remain under oath at this hearing.

A. Yes, sir.

IO: When you were last here, Colonel GAVIN, you indicated you were ready to proceed?

A. I have since discussed this with my counsel and have changed my mind.

Q. What do you now elect?

A. Counsel will make my statement, sir.

Q. No, he will not make your statement. You make it yourself.

A. Sir, I have said everything in my knowledge regarding this thing. Upon the advice of my counsel, I invoke the privileges afforded me by the 5th Amendment of the Constitution and Article 31 of the Uniform Code of Military Justice.

Q. I appreciate the guidance of your counsel, but I'd like to talk to both of you for just a minute.

A. Right, sir.

Q. I don't think you really understand all the facts of the situation, and before you come out with a judgement that you elect to remain silent, I think that you must understand a few things.

A. All right, sir.

Q. This will be applicable to your legal counsel, from the Office of the Judge Advocate General. The first thing that you have to recognize is the magnitude of the task which has been given to this particular investigation, to determine the facts and make findings and recommendations to the Secretary and the Chief of Staff of the United States Army. Let me tell you what we're dealing in.

A. All Right, sir.

Q. We're dealing with a situation in which perhaps, I say perhaps, up to 500 women and children may have been killed. I can tell you we already know the figure is well beyond 200. We're also dealing with the situation in which women were raped repeatedly; we are also dealing with a situation in which all of the animals were killed; we are dealing with a situation where all the dwellings were burned down to the ground.

So you can see the actual enormity and the importance of this particular thing.

A. Yes, I do.

Q. And I think you have to realize it, too, Captain MANGRUM.

So, we're talking about something that transcends you and transcends me, and if I may say so, I think to a degree it transcends the JAG. We have the United States Army on trial, and you know this and I know it, having been given that information. It's not only the United States Army, it's our defense establishment which, you being a regular officer, I assume that you believe in?

A. Yes, I do.

Q. We're also talking about our Country. We have established some fine moral standards throughout the world, and we are also talking about our people.

A. Right, sir.

Q. We are talking about your family, my family, all the families of all the people here, to insure justice is done and done properly. I'll say to you that I have no desire to incriminate you, and I would not under any circumstances ask you to testify against yourself. But I think that you can understand the importance of some of the information which you may have available, which would not incriminate you, toward developing an actual portrayal of what transpired in this area starting at the middle of March and going on for the next month and a half.

A. Right, sir.

Q. I would also tell you that in talking to you it's not like talking to an ordinary civilian citizen. It's not like talking to a private or a noncommissioned officer. You are an officer, and a senior officer.

A. Yes, sir.

Q. You're supposed to be a responsible individual.

A. Yes, sir.

Q. Furthermore, when you accepted a commission you also accepted a responsibility to defend this Country on one hand, but also be an officer and a gentleman on the other hand, which would indicate you have moral standards.

A. Yes, sir, I do.

Q. Morally, much more is expected of you than of the ordinary citizen. Another thing I would like to call to your attention: I told you in the very beginning that although this report which I will file will be confidential, it is likely that the report or parts of it may be made available to Congress and it may be made a matter of public knowledge. I would say that sooner or later it will show up in the archives of this fine Country of ours.

A. Yes, sir.

Q. Now, I'll give you that to consider, and then I will ask Mr. MACCRATE to cover a general area of questions which we would like to address to you, and then to determine whether or not you would like to proceed, or would you like to have some time with your counsel?

A. Yes, sir, I'd like to have some time with my counsel.

Q. Do you have any estimate of how much time?

A. Five minutes, sir.

Q. Fine. The hearing will recess at this time.

(The hearing recessed at 1506 hours, 13 February 1970.)

(The hearing reconvened at 1515 hours, 13 February 1970.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

IO: Have you had time to formulate a decision?

A. Yes, sir.

Q. May I ask what is your decision?

A. That I'm going to testify, sir.

IC: Sir, may I make a statement, please?

Q. Yes.

IC: I appreciate very much what your committee here is doing. However, having been appointed counsel for Colonel GAVIN, of course, he is my chief concern at this point, and we've discussed, and I've advised him to invoke his right to remain silent, but he wishes to cooperate. He will testify in regard to your questions.

Q. All right, fine. Colonel GAVIN, would you like to proceed with the testimony, or would you like to hear the areas of interest beforehand?

A. No, sir, I'll proceed.

Q. All right. Mr. MACCRATE?

MR WEST: You do understand you may, if you feel an answer would tend to incriminate you, you may, of course, invoke your rights under Article 31.

A. Yes, sir.

MR MACCRATE: Colonel GAVIN, what I would like to do first is to read to you the testimony of Captain RODRIGUEZ and of Lieutenant DAWKINS with the hope that it might in some way refresh your recollection about things that have in the intervening months slipped from your mind and might bring you back to the time in April 1968 when you returned to Son Tinh on what would now appear from your own recollection and from the information furnished to us by Captain RODRIGUEZ to be 16 April. Reading first from Captain RODRIGUEZ who incidentally is now retired, so that he is addressed in these questions as Mr. RODRIGUEZ:

"Q. Did you show this letter to Major GAVIN?"

And this is referring to the letter of 11 April 1968:

"A. Yes, sir, he saw that as well. He saw that. I didn't do anything unless he knew about it."

He further goes on:

"Q. Evidently, Major GAVIN was not there when you received this directive from province to check into this matter.

"A. Yes, sir.

"Q. Because you signed it on the 14th.

"A. That's correct, sir, I signed it there, so I know he was not there. He came one or 2 days after this. After I had signed it, I got this letter prepared and sent it back to province.

"Q. But the fact is that when you received the requirement from province, he was not there, and therefore you took the action?

"A. Yes, sir, I took the action for they wanted to have this information."

Then he further states:

"Major GAVIN, after he came back, I gave him a copy of this (referring to the statement of 14 April that he prepared), and I explained this to him. And I also asked him if he wanted to get more details or prepare an operation to go and check what these people were alleging.

"Q. What did he say to that?

"A. It seems to me no action was taken, so I, since he was my superior officer, I cannot do anymore.

"Q. Do you have any recollection about you and Major GAVIN talking about this with Lieutenant DAWKINS?

"A. I don't recall, because it seems to me that Major GAVIN at that time didn't pay much attention to it. I mean, I don't think he gave that--maybe if he did know about it, he didn't want to probably discuss it any further, or he didn't want to take any more action. Or perhaps he didn't give the thing too much importance at the time."

Now, that is the gist of Captain RODRIGUEZ' recollection of the time.

Now from Captain DAWKINS:

"Q. I have here a statement which is signed by Captain Angel RODRIGUEZ, dated April 14. I would ask if you have seen this paper.

"A. I recall the incident at that time, sir, but I do not believe that I have seen the report, no.

"Q. Will you tell us what you recall of the incident?

"A. Just the recollection of talking about the incident, sir, that the alleged killings had occurred. As far as the actuality, sir, I know nothing of that."

Still Captain DAWKINS:

"Q. Do you remember talking to Major GAVIN about this?

"A. Right, sir, I remember it being mentioned within the team, yes, sir.

"Q. Now, what was mentioned?

"A. Just the fact that these killings had allegedly been done.

"Q. How many killings? Did they talk about how many women and children?

"A. Between 300 and 400, and I think Captain RODRIGUEZ was doing most of the work on this thing."

And then later on:

"Q. When you were talking with Captain RODRIGUEZ and Major GAVIN, was Captain TAN also in on this discussion?

"A. No, sir, I don't remember him being in on the discussion when we talked about it ourselves."

He then was asked what he could recall of the circumstances of the discussion, and he said:

"It was in the building or the room that we lived in was where it was brought to my attention. As far as getting into the facts of what happened and deeply discussing what happened, I was not involved in that part of it. It was mentioned. I remember it being talked about. I remember it being mentioned between Captain RODRIGUEZ and Major GAVIN at that time, and myself."

After a further question the questioning concluded:

"Q. Was this just a passing item of conversation, or was this something that was really focused on?

"A. It was something that was discussed, as far as within the team there itself. The strongest point of discussion that I remember, that it just didn't happen. This mass killing of 490 people and 90 percent of the houses and everything was destroyed. This is the thing that I remember talking about. It just didn't happen. There's a war going on and innocent people were going to die, but this thing of lining up 490 people, I can't believe. I have no recollection of anything of that nature."

Captain DAWKINS also testified regarding seeing a message which was a translation of a Vietnamese document, and he states:

"The only thing that I recall, sir, is the message. If I remember correctly, there was a Vietnamese message that came from--came through the district chief from the headquarters. If I remember correctly, to this location on the hill where we stayed. Or it came--well, through there and to us. We got little--four, five, or six Vietnamese messages every evening, each afternoon, and our interpreter would sit down, and translate these messages into English. This is where I remember seeing the statement that I made reference to, about the 490 civilians and the property and houses 90 percent destroyed. This is my recollection of that statement.

"Q. You received a message and then you had the discussion?

"A. Right, sir. At the time, I saw the message, this is when I asked Colonel GAVIN about the message. As far as a detailed discussion about it, I was not involved. Between Colonel GAVIN and myself, or Captain RODRIGUEZ and myself, as far as a detailed discussion, no, sir. I asked about the message. I can't recall anything else."

I think that that provides you with the gist of what has been told to us, and you can understand from that why we were interested in your recollection of what had occurred at this time.

It seems quite apparent from Captain RODRIGUEZ and Lieutenant DAWKINS that they remember something being said at that time. We do know that this was passed along and further action was taken. But precisely what was done, the next step in passing this information along, is our focus at this point. If you feel that you could shed any light on the way in which this information was passed along and was passed on up to higher headquarters, it would be very helpful to the inquiry.

A. Now, which message are you referring to, sir? What's the date this message that Captain DAWKINS was referring to of the 90 percent. You showed it to me, I know that, sir.

Q. Exhibit M-29, Colonel GAVIN, is a courtesy copy, or it's so labeled, to you or it would be addressed to your office from Lieutenant TAN to Colonel KHIEN, the province advisor.

A. Well, this is the one that was provided to me, sir? The courtesy copy was provided?

Q. Yes, we have not found it in the files of your office. We have found this, however, in the files of Lieutenant TAN, actually his former office, he now having moved on to a position or an assignment with the sector. And then Exhibit M-30 is the statement that Captain RODRIGUEZ prepared with respect to the letter, Exhibit M-29.

A. No, sir. If this was on 11 April, sir, it was received in my shop during my absence.

Q. That is what we understand. It was received during your absence, and that what Captain RODRIGUEZ'--

A. (Interposing) Captain RODRIGUEZ' actions, yes, sir. I remember what he said. And I will still state as I did yesterday, sir, that I never saw any documentation that alleged to any retribution or mowing down of people or anything of this nature. As best as I can figure, sir, this document came in to our shop or Captain TAN forwarded it to province. Province probably also at that time provided a copy to the province team. The province team then would generate a request to Captain RODRIGUEZ to get all the information he could on this thing, because at this point there was no doubt that something did happen. And he would send his answer back up.

But I still state, sir, that I had no knowledge of these two documents, in spite of what Captain RODRIGUEZ said that as a good executive officer he would have done. I contend, sir, that he did not brief me on these documents, and he did not show me these documents. Because if I had seen them, they would have become very important to me. I would have jumped right in the big middle of it, sir.

Q. Well, I'm not sure that in the circumstances at the district headquarters, jumping into the middle of it was what would be expected, as one looks in retrospect on it.

A. No, sir, I may find out more about it. In the first place, I don't understand Captain RODRIGUEZ' statement about as far as us generating an operation out in that area because we didn't have the capability to go out in the area, sir.

Q. Where we run into a difficulty is this: Captain RODRIGUEZ states that this statement was in response, as you heard, to a request from the province team.

A. Right, sir.

Q. Now, we can find no trace of the request from the province team.

A. Right, sir.

Q. We find the response which Captain RODRIGUEZ states was sent. We do not find that in either the district file or the province file--

A. (Interposing) Well, I understood, sir, that this was filed in the district file.

Q. We find it in the advisory team's file. We find it in the Vietnamese file. And what we are seeking is what was transpiring within the advisory team? What was the information that was passed up? Because we are left to piece this together from the basis of what we have obtained from the district file of the district chief in Son Tinh District and the province chief at Quang Ngai.

A. Well, sir, I was only surmising in looking at this document and saying that province got a copy, that they had then generated a request. I have no knowledge of it.

IO: You can see that province got a copy, because it says right here.

A. Well, sir, I got a copy. But even if they hadn't, even if it went up through Vietnamese channels, normally the Vietnamese would provide them a translation of the document of something of this nature, sir. I was strictly surmising at that point that this is the way that this had worked, because this would be normal.

MR MACCRATE: But you have no recollection of Captain RODRIGUEZ saying anything about this?

A. Briefing me on this? No, sir, 'as I stated earlier, sir, I never saw any document, and I never heard any allegations until I read it in the paper that people had been just mowed down. My jaw dropped 6 inches when I read it. I said, "How can this happen in my district and me not know about it?" And now that I see this, this was the way that it came down officially to my place, and it happened in my absence. I can understand now how it can happen.

IO: We can understand how it happened, but what I think we have a little difficulty understanding is on something as grave and important as this, to follow through with what you're saying, that Captain RODRIGUEZ wouldn't call it to your attention upon your return approximately 36 hours later.

A. As I say, sir, I don't know. I have no answer, sir. Now, I'll agree with Captain RODRIGUEZ, as my executive officer, this would have been his responsibility. But as I stated, I had never seen any documentation that this cold-blooded murder thing occurred, sir.

MR MACCRATE: Now, we've also talked to Sergeant ANGLE.

A. Right, sir, the province administrative sergeant.

Q. He has testified of as to what he observed at province. Do you have any recollection of, after your return to Son Tinh at this time, around the middle of April, having a series of meetings with Colonel GUINN in Quang Ngai at the province advisory team office?

A. A series of meetings, no, sir. We normally met only when the Vietnamese had a meeting that we attended. In other words, the district advisors normally came in on meetings that the Vietnamese district chief had to attend. If we were invited, we sat in.

Q. Let me just read a very brief excerpt from Sergeant ANGLE's testimony. He was shown a copy of Captain RODRIGUEZ' statement, M-30.

"Q. Do you have any recollection of such document, its preparation, or hearing about it?

"A. Vaguely. Vaguely I recall something. Not of My Lai or My Lay, or however it's pronounced, but this Son My Village, that vaguely, in the back of my mind it sticks for some reason or other. The document itself, no, no, I have no knowledge of this. I know it seems to me early in April, or the latter part of April sometime, Captain RODRIGUEZ was down to see me quite frequently and the same with Major GAVIN, not to see me personally, but in the province headquarters, and drop by as a friend, over some incident that had taken place at Son My. This is all I can say. I did no typing for them on it, or for that matter, I can't remember really doing anything for Colonel GUINN on it.

"Q. You say that you have this recollection that sometime during the month of April Major GAVIN and Captain RODRIGUEZ were down on something that had happened in Son My Village?

A. Some incident that had happened. What it was, I just don't know."

And he later states in response to further questioning:

"Major GAVIN and Captain RODRIGUEZ came down, and Colonel GUINN and Mr. MAY discussed this. Now, what they discussed, I don't know. I only know the four of them sat down and talked for a long, long time, for a couple of days, really, sir."

Have you any recollection of anything that Sergeant ANGLE could be referring to with respect to such meetings, either with Colonel GUINN or with Mr. MAY or possibly with both of them?

A. Sir, I don't remember whether it was April or May, but we were having meetings at that time, sir. We did have some meetings. I don't know the exact dates, but these meetings dealt with Mr. MAY's pet theory, which they had one already in Binh Son, and this was to build fortified hamlets and put the people in these fringe areas in these hamlets and

guard them at night. We met and talked and discussed this two or three times. As a matter of fact, Mr. MAY and I kind of had a disagreement about it, because he wanted to make that citadel, that shows on the map, one of these villages. And I said, "Yes, sir, if you insist, I'll build the thing if you'll provide me the wire and the mines and the stakes to put around it." And he said, "I can't do that. I don't have any way to get it. You've got to go out and get it on your own." There were some meetings about that. I never attended a meeting concerning this incident, no, sir.

Q. Well, do you have any recollection of a reference in any such meeting at this time to some communication that had gone on between Captain RODRIGUEZ and Colonel GUINN and the preparation of a further report onto the brigade or the division?

A. No, sir, I don't. As I say, I do remember that we did meet about these other things, and this is maybe what ANGLE was referring to. These meetings got to be quite extensive at times. But that's what those were about. I don't ever recall Colonel GUINN mentioning this incident to me in any shape or form, which he would have if I had been up to a meeting, sir.

Q. Well, we have a testimony from, for example, the G2 advisor of the 2d ARVN Division, that Colonel GUINN did mention it to him.

A. That he had discussed it with me, sir?

Q. No, that he had discussed it with Major EARLE, and this information had originated with the Son Tinh District.

A. Right, sir. So this would no doubt be this document of Captain RODRIGUEZ', sir.

Q. Yesterday, you provided us with a document, dated 16 April 1968, which we have marked as Exhibit M-114. I noticed that it was a portion of a sheet of paper and wondered if you had any other contemporaneous documents from that period from the Son Tinh headquarters that might help us to fit together events at that time.

A. No, sir, about the only thing I brought back was my orders. I know why I kept that. It was clipped inside of one of those fold-up things, and as I say, I don't know really why I retained it. The reason the bottom was torn off was because it got so ragged. I just wanted to smooth it up and did. But I didn't bring any papers back, sir, as far as the job was concerned. I brought my orders, papers which normally I put in my personal file, and this was it, other than that VC propaganda and stuff which I brought in and you made copies of, sir.

Q. Do you have any recollection of the circumstances in which you sought the information from Task Force Barker as to the VC KIA and the weapons count following the operation of March 16, 1968?

A. I don't remember that particular one. Normally, I just pick up -- get on their frequency and call them, sir.

Q. You testified--

A. (Interposing) Call the S3.

Q. You testified--

A. (Interposing) This is the normal thing.

Q. When you were before the panel in December, that you recalled getting that information.

A. Yes, sir.

Q. I wonder if you could recall whether you had done so in response to a request from the Vietnamese?

A. No, sir, this was just our team curiosity, really, just to see how they were doing because we had no way to keep up with the operation as it was going on. Normally, after it was over, we'd call up to the headquarters. This was just for our information to let us know how they were doing. The reason I remembered this one was that they had this body count of 120 or something, and the weapons. The thought crossed my mind, I said, "They've got one of those VC companies out there, and that's one less company I've got to worry about."

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Q. Did you know Captain GOUZOULES, who was the S5 of the 4/3?

A. Yes, sir. He came down a couple of times.

Q. Did you ever hear of a problem that he was having with Task Force Barker?

A. No, sir, I believe it was GOUZOULES. The one thing I remember about him was we went out to a big mountain in the west. He wanted to walk down to this hamlet that was down below. That's quite a walk, sir. It's about a thousand feet straight up.

Q. Did you ever hear about a meal that he had taken with a group up at Binh Son District where he had passed some comment about Task Force Barker along about this time, and these comments were relayed back to Task Force Barker, and either Colonel BARKER or Major CALHOUN had passed the word that they didn't want Captain GOUZOULES to come to Task Force Barker?

A. No, sir. As I say, this one incident is the only thing I really remember about--

Q. (Interposing) This never reached you?

A. No, sir.

Q. Well, apparently this became something of some report in the area. We have this from officers of the 4/3, and I'm somewhat surprised that the story didn't gain currency down in Son Tinh as well.

A. No, sir. The only way it would is if somebody happened to meet somebody else in the compound. We didn't go into the compound that often, sir. That was normally our only time that we would meet the other members of the team unless it was for one of these meetings at province.

Q. But you were frequently up at Task Force Barker, were you not?

A. Not frequently, no, sir, because that was a pretty bad section of road during that time. The VC mined it nightly.

I would stop by there if I were going to Chu Lai or coming back from Chu Lai. I'd stop in there sometimes, but not frequently, no, sir.

Q. How often did you go to Chu Lai and back?

A. Once every 2 weeks; once every 3 weeks; whenever I had to get some work done on the vehicles and this type thing, sir. Because at that time we had vehicles all along from Americal, and they had to go up there for maintenance.

Q. I'd like to go back to the period prior to 16 March 1968. We've had some testimony regarding the information that you may have provided with respect to planning of the operation on 16 March. This is testimony of Sergeant STEPHENS.

A. Who was Sergeant STEPHENS, sir?

Q. Sergeant STEPHENS was the--

IO: (Interposing) He was the S2 sergeant of Task Force Barker.

MR MACCRATE: The S2 sergeant of Task Force Barker.

"Q. When did you first hear of this planned CA against the hamlet My Lai (4)?

"A. The operation, sir?

"Q. Yes. Was it being planned for quite a while, do you recall?

"A. Yes, sir. In fact, it was planned once before. They had planned an operation in there. We knew that the task force was subject to come to an end, and we had had several contacts in this area, and they had planned an operation sometime, I don't know just how long before, in the area. But they worked quite a bit with Major GAVIN, with the advisor below, and they received word that the enemy had moved out."

Then he says in another place in response to this question:

"Q. Where did the plan or idea originate? Did it come down to you from brigade or division, or originate in Task Force Barker, or was it suggested by Major GAVIN, or what's your recollection on that?

"A. Sir, I don't know where the complete plan for the operation came from. It was, maybe Major GAVIN did have something on that. I don't know, sir."

And then at another point he testified:

"Q. Colonel GAVIN, if you remember, was the advisor to the district chief in Son Tinh.

"A. I believe this is where the information, sir, pertaining to the enemy activity in this area at that time was coming from."

It is against that background that I'd like to ask you a few questions regarding the background of the operation. Do you recall providing any information to the task force prior to the operation with respect to the location of the 48th Local Force VC Battalion?

A. Not in this particular one, sir. But as we would go through these intelligence reports that we would get everyday, then we would call them and tell them that we had the reports if there was a certain amount of them. Or we would call them and just give them in the clear that we've got report C-2 rating that such-and-such a unit is located in such-and-such a place. This was a feeder source of intelligence information to them, either the reports which they would come down and get and take them up, or if there was just a few of them on any given particular time, then we would call them up to them.

Q. Do you recall where at this time you were carrying the 48th VC Battalion?

A. No, sir.

(GAVIN)

Q. Prior to the middle of March?

A. No, sir, because normally we would carry them in as many as three different places, and we just had to kind of toss a coin as to which spot was right. We would get different location reports on them everyday, sir, as a rule.

IO: Yes, but that didn't necessarily mean that you would change your judgment as to their location. This is all done by evaluation. You may get six reports and keep them where you have them, but you may get one report that you evaluated very highly and you got a high rating on the source and you believe it.

A. Yes, sir. We kept them posted on the map and this type thing, sir.

MR MACCRATE: But, were you moving them from day to day, so far as your best information?

A. Well, they moved quite frequently, sir. This was a matter of their SOP. They didn't stay in the same hamlet. They would get out into that pink area that shows on the map, where they would actually go into tunnels, and they would stay there, but they didn't stay outside of that area. They were constantly moving around. The reason they stayed outside of it was to give them a little distance jump in the amount of marching that they had to do to get to an outpost to attack it, at least I think.

Q. As far as their base of operations, it was out in Pinkville or My Lai (1)?

A. Well, they used that entire complex there of Tu Cung and Co Lay and Pinkville, My Lai (1), I believe it appears on the map. That entire area was theirs. There were usually two to three local companies out there with them.

Q. What do you recall about the relation of the location of the 48th Local Force Battalion to the planning of the operation on 16 March?

A. Personally, nothing specific, sir. It might have been in these intelligence reports that were there.

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A. I believe I did. They replaced Task Force Barker with I believe the 4/3, I'm not sure, because they shifted around rather rapidly there, sir.

IO: Well, you're familiar with the fact that following the attack, Colonel GAVIN, that Colonel BARKER in the latter part of May, maybe the first of June, took over the command of the 4/3 and they moved that battalion's headquarters to LZ Dottie. It had been at LZ Sue.

A. Right, sir. No, sir, this, as I say, was changed, so it was the 4/3 when I came back. This designation change evidently happened right after I left, sir.

Q. When did you leave, again?

A. Twenty-four May, sir.

Q. Yes.

A. And since there was a new commander there when I got back off leave, I assumed that it was another unit. This was a natural assumption on my part. I didn't ask, because we had Captain LAUSON as an S2 rather than the other captain, the S2 that had worked for Task Force Barker. So from the people I met and dealt with in the unit, I assumed that it was another unit that had been moved in. Then I heard that Colonel BARKER had been killed in this--on an operation out there in the east.

Q. I don't think Mr. MACCRATE is really alluding to U.S. operations in the area, but ARVN or Vietnamese operations in the area.

A. There were Vietnamese operations out there, sir, but I can't pinpoint the dates on them, because I was there until the following December. The VC came in and pushed all the way into what we termed Buddha Mountain, Tinh An Mountain there. I believe it was July. There were quite a few operations and battles to push them back out and to recapture the citadel area. There was a big battle right in the citadel itself. The VC had occupied it.

MR MACCRATE: When would that have been?

A. I believe it was in July or August, along in that time frame, sir. Then along late in the fall, in order

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Q. Do you have any recollection of Colonel KHIEN being out on 521 with Mr. BURKE and being warned to stop the interrogation that he was carrying on of a great many Vietnamese, and right after Colonel KHIEN and Mr. BURKE were moved down the road, mortar fire landed right in the area where they had been?

A. No, sir.

IO: Well, let me elaborate just a little bit.

A. I would like to have pointed out--

Q. (Interposing) You certainly should remember this if you happened to be present, because this was a rather unusual circumstance. But, I don't recall the forces involved. The date was, I think, in early September of 1968, and the forces moved out generally on either side of the road. Colonel KHIEN was on the top of the hill just to the east of the citadel and to the west of Hill 85, a little knoll out there which your tactical forces normally used for a CP.

A. Right, sir.

Q. It's our understanding that some of the other people had established themselves in another CP, and perhaps yourself, back on Buddha Mountain to oversee this operation. But it's here that Colonel KHIEN is supposed to have been warned about mortar rounds and everybody becoming very uneasy, and sure enough, the mortar rounds did come in. That was in September of 1968.

A. No, sir, I didn't hear about it. However--

Q. (Interposing) And while I'm here, did you know of another operation--

A. (Interposing) Having mortar rounds landing around you wasn't unusual, sir, if you got out there and stopped very long, because the VC in this area had two or three mortars.

Q. Do you remember another operation, I don't know the exact date, but along about I would say July or August, to reestablish the outpost on Hill 85, which is the Mobile Advisory Team was with them, the Mobile Advisory Team headed by Major FORD?

A. Was that the one where they got ambushed out here,

sir, where they were going out--that one I remember. The 48th Battalion had a big ambush set up right in here. The Mobile Advisory Team was all the way up inside of it before the shooting started.

Q. Yes, well, I'm not talking about this one, but subsequently, they went out and cut across on the east side and came up in here, and the refugees just flocked out of this area here. It appeared at least to some of the people that the Vietnamese were fearful of reprisal or somebody taking pretty strong action against them because they just weren't walking along. They were practically running out of the area to get down to the area of An Loc.

A. No, sir. The Mobile Advisory Team went out on quite a few operations in this area during the fall, sir.

Q. Did you, at anytime, hear that province was conducting operations or conducting an investigation to determine whether or not anything had happened at My Lai (4)?

A. No, sir.

Q. According to Colonel KHIEN, at this time, when he was here, he interviewed quite a few people and picked up quite a bit of info--

A. (Interposing) People from this area, sir?

Q. Yes. Mr. MACCRATE, what's the figure that he used? He talked to approximately 20?

MR MACCRATE: Twenty or thirty.

IO: But this information didn't come back to you?

A. Not just (inaudible), no, sir.

Q. Were these operations conducted by province or were they under district? If they were going to use one of the RF groups.

A. If they were using an RF group, they would probably be from province.

Q. Was there any division of interest with district being interested more to the west of Highway 1 and the railroad, and province taking the major operations to the east of Highway 1?

A. No, sir. We ran operations in this area. After Tet, sir, we never got out much past here (indicating). I can remember going through this hamlet here in the fall, but we never made it over this way, because we got pinned down right in here, and we had to pull back.

Q. I can tell you something and a most unusual circumstance. Do you know who the first individual was back into the village of My Lai (4)?

A. No, sir.

Q. Major FORD.

A. It very well could have been, sir.

Q. I know it, yes.

A. As I say, the Mobile Advisory Team--as far as the district team on the operations that I went on, sir, I never got past Chau Tranh.

Q. Well, I'll complete this by saying he didn't know he was there either, but he was.

MR MACCRATE: I have just one final series of questions.

IO: In connection with this operation, which took place from about the 16th and partially continued through the 19th, we know that Captain KOTOUC, the S2, after making arrangements with province, stopped by Son Tinh and picked up three National Policemen. He also picked up five ARVN, headed by a Lieutenant DUC; and one sergeant and three enlisted personnel. He took them into the field. This was in the afternoon. Do you recall that incident?

A. Are these enlisted personnel, are these American enlisted personnel?

Q. No.

A. All Vietnamese?

Q. That's right, now let me go over it again. He picked up three National Policemen, all these from Son Tinh.

A. Right, sir.

Q. You had a total of 16 National Policemen, didn't you?

A. Yes, sir.

Q. All right. He picked up three of them.

A. Right, sir.

Q. He also picked up five ARVN.

A. Right, sir.

Q. The ARVN were headed by a Lieutenant DUC. If I'm not mistaken, Lieutenant DUC was your intelligence officer, worked in the DIOCC.

A. Yes, sir.

Q. He also picked up a sergeant, and he picked up three enlisted personnel, for a total of five ARVN, and took them out in the field for the purpose of interrogation?

A. Search and interrogation, right, sir.

Q. Now, do you remember that?

A. No, sir, I don't remember that specifically, but we furnished these people to them as a matter of course. In other words, they would notify us the day before as to how many they wanted. Sometimes they would take them up, and they would stay overnight at Dottie, the night prior to the operation.

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Q. Yes, I've seen your pictures which I understood took place in Hoa My.

A. That's the attack on the outpost right here (indicating on Exhibit MAP-3), sir, right to the wall of the citadel.

Q. Yes. And didn't they overrun some PF outposts just east of the citadel, there in the area where it shows on the map as Hoa My (3)? No, just east of the citadel, see Hoa My (3)?

A. Well, we didn't have any outposts out in this area, sir. There were no outposts as such. This was the outpost here (indicating), and the forces withdrew back into that at night, except for their ambushes. The next outpost east that we had, prior to the time that they built this one on Nui Ngang, was this one right here north of An Dao on the corner of this hill right here (indicating), sir. That attack on the citadel, the impression I got of it wasn't the fact that it was a reprisal as much as they were always trying to attack an outpost and overrun it, and that one got overrun. The PF that were living there had their families with them and contrary to orders, but normally the Montagnards were the only ones that had their families with them. The PF weren't supposed to have their's, and so this accounts for the civilians that you saw in those pictures.

Q. There weren't a tremendous number of civilians killed, though. From what we've been able to gather from people we've talked to, there were about five civilians.

A. Five or six in that attack. It was primarily for the outpost, the weapons, and the ammunition, and to overrun the outpost.

Q. Was there any other big operation? I have another one in mind which is outside of your district.

A. A VC operation, sir?

Q. Yes.

A. Well, the only one I heard of that would fall

into a reprisal category, and I don't really know whether it was intentional on the part of the VC, that would come out that way was on the refugee camp up at Binh Son, the one that burned.

Q. Yes. Killed about 75 people?

A. Right, sir.

Q. Practically burned the place to the ground?

A. Right, sir. They evidently started the fire on the upwind side and it swept through the entire camp.

Q. That's all I have.

MR MACCRATE: Colonel GAVIN, I hand you Exhibit R-5, which is a document taken from the files of the 11th Brigade. You'll note that it's a copy of a letter from the commanding officer of the 11th Brigade to the commanding general of the Americal Division. Do you recall seeing any copies of that letter or ever hearing about such a letter?

A. No, sir.

Q. I'd like you to read the letter and to then look at the green sheet, which is indicated as inclosure 1, and read it.

(The witness read Exhibit R-5.)

Have you seen any of those three documents before, either the covering report, or either of the inclosures?

A. Well, the first inclosure appears to be VC propaganda that you showed me earlier, sir. It was either yesterday or another time, but it seems to follow very close to what that one said, if it's not an identical copy. And this appears to be Captain RODRIGUEZ' statement.

Q. But without his signature on it?

A. Yes, sir.

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Q. Do you know where Colonel HENDERSON got the information that the Son Tinh District chief did not give the allegations any importance?

A. No, sir. Colonel HENDERSON stopped by, I remember him stopping by my place.

IO: What did he talk about?

A. I don't remember, sir. If he mentioned this, he mentioned it in a light vein in passing, sir. It didn't sound any signal bells.

MR MACCRATE: When did he talk to you?

A. I don't know, sir. I just remember the man stopping by. I think he stopped by once or twice. He stopped by on liaison visits and this type of thing.

Q. Can you fix the dates and times, at all?

A. No, sir.

Q. Do you remember who accompanied him on any of these visits?

A. No, sir. I think he normally had other officers with him. But as to who, no, sir, because I normally only saw those people once. The people from brigade, they weren't the people we dealt with every day. A staff officer would walk in in uniform and stay 5 minutes or 10 minutes and walk out.

Q. If he were to reach a conclusion as to the position of the Son Tinh District chief, it would seem reasonable to assume that the information would come through you or with your knowledge in some way.

A. Well, it would seem so, sir.

Q. He states in this letter that the Son Tinh District chief does not give the allegations any importance.

A. I don't know, sir, as I say, I don't remember.

I don't ever remember this subject coming up. I'll go back to my original statement. At no time, until the papers broke, did I have any information of these allegations of people being lined up and shot.

IO: But you see, sometimes one of the real problems that you face with something like that is you make a statement like that then you automatically close your mind to anything that may have happened, that may be a lead towards these things. That's what we're trying to find, you see.

A. Well, I realize that, sir.

Q. Now, for example, if Colonel HENDERSON did stop by, I think it would be highly advantageous for us to know when he stopped by, and you didn't see Colonel HENDERSON every day. I mean you just indicated that he was an infrequent visitor.

A. I think I only saw him once or twice during the whole time I was over there, sir.

Q. Right, so was it the first part of the year, or was it the middle of the year, or spring or--

A. (Interposing) I have nothing to date it by, sir. I just remember the helicopter landing. We didn't even know who it was. We drove down at the bottom of the hill. I sent a sergeant down to the bottom of the hill to see who it was, and he brought the man up, and he says, "I'm Colonel HENDERSON."

Q. That's all he said?

A. Well, as I remember it was more of a liaison visit. If this was mentioned, it could only have been mentioned in something like, "Did you hear anything about people being killed?" and I'd say no, because I hadn't--civilians being killed.

MR MACCRATE: Well, do you remember on that visit if he--

A. (Interposing) And that wouldn't be vivid in my mind, sir.

Q. Do you remember on that visit if he met Lieutenant TAN?

A. No, sir, I don't remember offhand. Because TAN spent part of his time up on the hill and part of his time down at the administrative headquarters since he had divided duties, sir.

Q. As you have observed, the first inclosure to report R-5, the 24 April 1968 report of investigation, is substantially the same as Captain RODRIGUEZ' statement of 14 April. Can you explain anything about how Captain RODRIGUEZ' statement, your assistant's statement, gets to Colonel HENDERSON and is attached to his report to the commanding general with Captain RODRIGUEZ' name removed?

A. No, sir.

Q. You have no idea how any of this transpired? Never heard anyone mention it?

A. No, sir.

Q. Anytime you're in South Vietnam?

A. No, sir, I can't explain it. I don't know. I don't know why this one doesn't have a signature and that one does, either, sir.

Q. It may not have been in relation to allegations, but it does seem remarkable that your assistant sends something on to a brigade commander and finally on to the commanding general of the division, and you don't even get tuned in to the extent of knowing that something he sent has gone forth in this way.

A. Well, this possibly went up to province, sir, and province provided it to Colonel HENDERSON. I understand now that that's where the investigation as such was conducted. Now, this is the only way that I would be able to explain how it would happen, sir.

Q. But nothing that--

A. (Interposing) That this being forwarded to province would be provided to Colonel HENDERSON.

Q. But, nothing that was said to you by Colonel GUINN or anyone at province, Colonel GREEN, anyone there in any way suggested that Captain RODRIGUEZ had given them something that they needed and that they were using it in such a way as you see reflected there?

A. No, sir, because, as I say, I don't ever remember any discussion about any incident with Colonel GUINN or any of those people up there.

Q. As you can appreciate, from the point of view of people picking up these papers, it's rather incomprehensible.

A. Well, this is the only way that I could see that the statement would become attached, sir, was that it would be forwarded in this format to province. Since the investigation was being conducted at province, I understand, Colonel GREEN possibly would provide this to Colonel HENDERSON. That would account for it being attached, sir.

Q. But I have heard nothing that can possibly account for your ignorance of any steps in here.

A. Well, when this step was taken, sir, I was not present. And if Captain RODRIGUEZ, as I contend and I state, failed to brief me on this, then I would not know of the two significant pieces of paper which came to my headquarters officially.

Q. Well, how far is Son Tinh away from Quang Ngai City?

A. About 3 miles, sir.

Q. And you were in frequent communication. You had messenger service, deliveries going back and forth, virtually every day, didn't you, sir, between district and province?

A. Yes, sir, except on weekends.

Q. So that you were in constant communication with the people at province. Coming back 2 days after this statement was prepared, it does seem very difficult to understand how you wouldn't have had any inkling that Captain RODRIGUEZ had done such a thing.

A. Well, as I say, sir, I didn't. The only way I can explain it is that the document that TAN provided to my headquarters came in after I left. This was dispatched prior to my return, and I stated and I mean this, I was not briefed on it. I've never seen any paper that shows any allegation with people being gunned down and people killed in retaliation or any of this which is contained in these documents, sir.

Q. Have you any explanation why all the documents from this period in your headquarters have disappeared and can no longer be found?

A. What type documents, sir? As I say, the intelligence reports and this type of thing--

Q. (Interposing) For example, a copy of this communication, M-30, or a copy of this letter, M-29?

A. No, sir. As far as I know, as I told you in my December testimony that all the documents were there. As I say, the intelligence reports and this type of thing were either turned over to Task Force Barker or burned. We didn't keep this. This was too voluminous.

IO: We're not talking about that.

MR MACCRATE: I'm talking about M-29, which is not in your files and you say you've never seen. Yet it shows on it that a courtesy copy was going to you.

A. Yes, sir, I realize a courtesy copy was sent to me, and I was not there at the time, sir. It was sent to my headquarters I should say to correct that statement.

Q. But you returned 5 days after the date of the letter?

A. Right, sir. This is the only way that I can account for it, sir, is that if he had this paper, and as far as I knew, the way I understood it yesterday, you told me that you had found these in my files. I wasn't at all surprised because if he had written these, taken them down there and put them in the files, they would have been right there.

Q. We indicated we had found them in the district files--

A. (Interposing) Well, this I interpreted.

Q. And not the advisory teams. Yes, we understand the confusion.

A. Well, this I interpreted to be mine.

Q. They were found in the Vietnamese files.

A. My first thought was, "Okay, if they were in the file, he wrote his answer, he put it down there, and he stuck it in the file." He did not brief me, because, as I say and I will reiterate, I've never seen anything that dealt with mowing down people until I read it in the paper. I was astounded. This appears to be the link, right here; this is where the official documentation came; this is where the investigation had touched my headquarters, and I was not there, and through some set of circumstances I didn't gain knowledge of it. This would account for it. This is all I can say, sir. This is the only way I can explain it. I've tried to answer every question you've asked me to the best of my knowledge. That's why I kind of had an argument with my counsel, because I don't have anything to hide.

IO: Well we appreciate very much your coming in. Now, as you cogitate over this, you understand the line of our questioning.

A. Yes, sir.

Q. And I'm sure you recognize we know a great deal about this.

A. Yes, sir, I know you do and you have the documentation, sir.

Q. If any of these pieces start to fit together, I would ask you to immediately get on the telephone and let us know so that we can either get you here, or we'll get somebody there so we can take advantage of it.

A. All right, sir.

Q. To the best of our ability, we are going to put all these bits and pieces together. Additionally, if you should think of any documents that may be of assistance to us including your photos--did you bring those photos in with you?

A. Yes, sir, I brought the slides. They don't really show much, sir, but I'll show them to you.

Q. Well, we'll have--Colonel PATTERSON.

LTC PATTERSON: Yes, sir.

Q. When we finish here with Colonel GAVIN, I'd like you to get the slide projector and get some place where you can project these slides, and with the data that's on the slides, determine whether or not we want to retain the slides, in order to get prints made. I know you have, I think, four at the present time.

Q. Yes, sir, are these the same slides that we viewed before.

A. Yes. Well, these are the ones on each end, and then I've got some taken from the top of Hill 85. I've got some taken from Buddha Mountain of this battle, when the ARVN was recapturing the citadel. I've got everything that I took in the East, I'll put it that way, except ox carts and decoration ceremonies and this type of thing.

IO: Well, you look them over. You know what we're interested in, not only in that operation, but we're interested in any reprisal aspect.

A. I don't have anything, no other bodies other than those of that one outpost.

Q. Before we recess, I would like to caution you, and I'd like to caution you, too, (directed to IC) that you've been directed not to discuss your testimony and the goings on in this investigation with others.

A. Right, sir.

Q. Including individuals who have or may appear before this inquiry. Have you already been over to the House Armed Services Committee?

A. Yes, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1615 hours, 13 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: SITTIG, William

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Civilian program advisor, CORDS District Team, Son Tinh District.

1. KNOWLEDGE OF THE MY LAI OPERATION.

While the witness knew that Task Force Barker had an operation in Son My in mid-March, it did not stick out in his mind as he was not too familiar with the military operations (pgs. 5, 7). Despite the fact that RODRIGUEZ often went along on SITTIG's inspection trips and helped him with his written reports, RODRIGUEZ never discussed a written statement he had made in reply to allegations of American atrocities during the My Lai operation (pgs. 3, 7, 8). Neither GAVIN nor DAWKINS said anything about it (pgs. 7, 8). Although he saw TAN quite often, he never saw TAN's letter to KHIEN (Exhibit M-34) (pgs. 4, 8). He was surprised that RODRIGUEZ or GAVIN did not relate any of this information to him (pg. 11). He offered the fact that he was in the hospital at Danang for three weeks, perhaps in April, as an explanation for this (pg. 11). He never saw Exhibit M-35, the inclosure to Exhibit R-1, or any other VC propaganda related to the incident, and he heard no rumor concerning it from the Vietnamese (pgs. 9, 10). He did not recall an operation by the 2d ARVN Division into the Son My Village area in June of 1968 (pg. 15). Many operations were going on (pg. 15). He flew over the Son My Village area, but he was never there on the ground (pg. 14). He knew of no investigation of the My Lai operation (pg. 9).

2. OTHER INFORMATION.

a. Relationship between TAN and GAVIN.

TAN and GAVIN did not get along with one another because of a personality conflict (pg. 12). At one point TAN told RODRIGUEZ he was going to ask to have GAVIN removed (pg. 12). The witness did not know when this difficulty arose or the subject matter of the problem (pg. 12). TAN had a lot of pressure on him, and SITTIG found him fair (pg. 13).

b. SITTIG's duties.

SITTIG had \$1,000.00 to spend in assisting the development of the district (pg. 3). He administered education, agriculture, self-help, and refugee programs (pg. 3). While he moved around the district quite a bit and was in most of the secured hamlets many times, he did not remember the Son My Village Chief, Sergeant LUYEN (pgs. 3, 8). He offered help to TAN, but on normal CORDS projects he usually worked with TAN's assistants (pg. 4). SITTIG's office was in District Headquarters (pg. 5). He spent nights in the subsector headquarters on the hill (pg. 7).

EXHIBITS

[illegible]

EXHIBITS

[illegible]

(The hearing reconvened at 1450 hours, 14 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, and MAJ LYNN.

Sir, the next witness is Mr. William SITTIG.

(MR SITTIG was called as a witness, was sworn, and testified as follows:)

Mr. SITTIG, for the record, will you please state your full name, occupation, and residence?

A. William C. SITTIG, IBI trainee with AID, 1121 Arlington Boulevard, Arlington, Virginia.

RCDR: Mr. SITTIG, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making findings and recommendations concerning the adequacy of prior investigations and inquiries into, and subsequent reviews and reports which existed in the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968. We are also investigating the possible suppression of information by any person who had a duty to report it and to furnish information about this incident. This investigation is not being conducted to investigate all facts and circumstances of what happened at My Lai (4), but it is directed to those specific purposes which I have just stated.

General PEERS has had made available to him and has reviewed prior official statements obtained in other official investigations of the My Lai incident. Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being taken by the reporter.

Although the general classification of the report will be confidential, it is possible that the testimony or parts of it may later become a matter of public knowledge.

{SITTIG}

IO: Mr. SITTIG, besides myself, I have other people here. To my left is Mr. MACCRATE, who is a civilian lawyer and has volunteered his services through the Secretary of the Army to assist me in this inquiry; to act as legal counsel to me and other members of the inquiry team. We also have members of the inquiry team who are conducting interrogations elsewhere. However, I advise you that I have the responsibility of putting together the report and weighing the facts and making findings and recommendations. We are directing military personnel not to discuss the testimony in this investigation with others. Since you are a civilian, I will request that you not discuss your testimony in this investigation, except as you may be required so to do before a competent judicial, legislative, or administrative body. I don't believe that you have been cited by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. No. I have not.

Q. Well, all I can say is that if by chance you ever are cited, your appearance here would in no way change the effect or applicability of that order. Do you have any questions concerning what I have discussed up to this point?

A. No.

Q. Mr. SITTIG, would you tell us what your duty assignment was in the period of about the middle of March 1968?

A. Well, I was assigned to the CORDS district team of the Son Dinh District as a civilian member of the team, and I was in charge of advising the Vietnamese in all civilian programs in the district of Son Tinh.

Q. How long had you been in that capacity?

A. I arrived in Quang Ngai on or about 1 August 1967, and stayed there about a week and then went out to Son Tinh District from there. I was there until about 15 January 1969.

Q. As the CORDS civilian representative at Son Tinh, what did your duties encompass?

A. Well, I had quite a bit of freedom in advising the Vietnamese district officials. The many civilian programs that we had there, across the board programs: education, agriculture, self-help, refugees. We also had a fund of about \$1,000 a month to assist in the development of the district. On occasion I used some of these funds to work with the local people and develop projects that I thought they needed and that they thought they needed in the district. In my duties, I had a chance to move around the districts quite a bit by roads and trails. I was in most of the secure hamlets many times over a period of about a year and a half while I was there.

Q. What was your working relationship with Major GAVIN? I believe the other member of the team was Captain RODRIGUEZ.

A. That's right. Well, Major GAVIN gave me quite a bit of freedom to develop civilian programs and to advise on a civilian level. Of course, I kept him well informed on the civilian operations and coordinated their activities as much as possible. Captain RODRIGUEZ often went out with me in my inspection of the self-help projects and the education projects. We worked quite closely together in a number of areas of civilian work. He helped me quite a bit on paper work and the AIK fund. I helped brief him on what was happening out in the hamlets, villages. We worked quite close together.

Q. Did you have much work with Lieutenant TAN? Did you work on--

A. (Interposing) Lieutenant TAN? What was his position?

Q. He was the district chief.

A. He was later made a captain. I believe he was the second district chief, as I recall. The first one was a Dai-uy GIAO. Yes, it would have been TAN at that time.

Q. Well, TAN is a captain now, but exactly when he was promoted, I'm not sure. He was a lieutenant at the time.

A. Perhaps he was. I don't have my records, so it's very difficult to remember when, but I think he was made captain while I was there.

Q. My question was whether you, in your capacity, had much to do with Lieutenant TAN, or whether you worked through his civilian agency?

A. Well, on occasion I did try to offer some help to him. I can recall one project we were trying to get started, middle school, grades six through nine. We wanted to build one for the district. I worked with him rather closely on that project. Usually, however, on the normal CORDS, or what they call the rural construction projects, the normal program was taken care of by one of his assistants in revolutionary development. I worked more closely with them. My desk was in the same office with the Vietnamese at the district headquarters. But I saw Lieutenant TAN quite frequently.

Q. Do you speak Vietnamese?

A. Yes, sir. Somewhat.

Q. Did you speak Vietnamese then?

A. Yes, sir.

Q. Do you read and write Vietnamese, or did you?

A. I can read a little bit of it, and write a little bit of it. But I'm not as proficient as I am in speaking it. I have a 1-plus level in Vietnamese on the foreign service scale.

Q. Do you remember the name of the Army lieutenant who worked in the DIOCC?

A. I can see his face. I really have trouble remembering names. That's one of my failings. DAWKINS.

Q. DAWKINS? Is he a big tall chap?

A. Tall blond-headed fellow, light hair.

Q. Lieutenant DAWKINS?

A. He was replaced by another lieutenant. I think his name was WORTHINGTON. I didn't work with him for a very long period of time.

Q. Is DAWKINS a rather tall chap?

A. Yes, he was.

MR MACCRATE: Did he have a southern accent?

A. Yes. I think he's from Georgia, if I'm not mistaken.

IO: That's not exactly an Irish name.

MR MACCRATE: We had it defined as a Georgia accent.

IO: During the period of about the middle of March, were you aware of Task Force Barker's operations down in the Son My Village area?

A. Yes, I knew there was an operation or series of operations going on out in that area.

Q. Did you work at the subsector headquarters, or did you work at the district headquarters? Subsector headquarters being on the hill and district headquarters being down in the village.

A. Yes, well, my office was down in the district headquarters along with the other civilian operations. At night I would go up to the subsector headquarters, and I would sleep and eat up there. It was a little bit more secure up there.

Q. From there you could probably see right into the Son My Village area, could you not?

A. Actually, it was rather difficult because there is another hill which obstructs the view, as I recall. It's Nui Thien An. There's a Buddhist monastery on the top of that hill. From where we were located, it would probably be difficult to see it. But, you know, you could look out and see the whole area. You couldn't see one specific spot from that point unless you had glasses. If you had glasses, you might be able to see the area more definitely. This is the mountain I'm talking about, right here. (Witness indicates on MAP-1)

Q. Well, you were a little farther north.

MR MACCRATE: To the left of your hand.

IO: That's where the district headquarters is located.

A. This is the district headquarters, here.

Q. Yes.

A. Then, I was over in here then.

Q. Well, I was under the impression that the village was a little southwest of the hill where the subsector headquarters was located.

A. Are you talking about this one?

Q. No.

A. You're talking about district, here?

Q. This village here, it strikes me that--

A. (Interposing) Our location was here?

Q. Subsector headquarters. We're talking about 1,000 meters away.

A. Yes, that's right. I'm no expert, but all I can remember is you drive down this road and you cross the river right about in here.

Q. It must be this hill you're talking about.

A. Now, there are a series of hills here, and a training station here on this one for the Vietnamese. In Tet of 1968, they occupied that hill. I would think it would be more over here, but I'm no expert.

Q. They also had a rifle range down in this area.

A. And they also had a rifle range down in here, a training area for the Vietnamese soldiers. You could, from that map, look out that far and see My Lai (4), but you couldn't recognize it with the naked eye. With a pair of

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glasses you might. I've never looked out that way. I may have once or twice. It is very difficult to know because you have small clusters of houses. It's much easier to recognize the area as you fly over it looking down at it.

Q. You indicated that you were aware of this operation going into this area, Mr. SITTIG?

A. Yes, sir.

Q. Do you recall an unusual reports, or reports of happenings there that were somewhat different that you would normally hear?

A. You know, ever since this thing has come up, I've been trying to rack my brain to think of something that was out of the ordinary, but I don't recall specifics. The operation doesn't stick out in my mind. There didn't seem to be anything extraordinary about it. Of course, again, I wasn't directly involved with military affairs. I had an interest, a continuing interest, in what was occurring militarily in the district, because I didn't want to get caught up in any of the military actions that were going on. I always tried to listen a little bit to see where they were and to stay out of their way. Again, I wasn't a military expert. I was really learning about military operations and their way or working and so forth. I hadn't been in the military previously. If anything were out of sorts, it probably wouldn't stick in my mind because I wasn't very familiar with military operations.

Q. During this period you were working in the district downtown, but you would spend your nights with the subsector headquarters on the hill?

A. That's right.

Q. Do you remember any discussion with Major GAVIN or with Captain RODRIGUEZ concerning the operation there or concerning any report that was being prepared?

A. No, sir. I don't.

Q. Did you have anything to do with the village chief of Son My, Sergeant LUYGEN?

A. How do you spell that?

Q. L-U-Y-G-E-N.

A. I might have met the gentleman once or twice, but I really don't recall meeting him. And I certainly didn't have any extensive dealings with him.

Q. We would understand that he lives in one of the refugee camps generally across the Song Tra Khuc from Quang Ngai City.

A. That's very possible. He doesn't stand out in my mind. I don't recall even meeting him. Someone might have introduced him to me, but I don't recall.

Q. I have here a letter from the district chief, Lieutenant TAN, to the province chief of Quang Ngai Province, dated 11 April. It has been entered into the record as Exhibit M-34. The top is the English translation of the Vietnamese version underneath it. I'd ask if you had ever seen this, or if any of this information has been called to your attention?

A. No, sir. I never saw this.

Q. I have here another document, dated 14 April, signed by Captain RODRIGUEZ, which has been entered into the record as Exhibit M-30. The version on top is not too legible. A retyped version is attached to it. I would ask if you were ever familiar with the contents of this statement?

A. No, sir. I don't remember seeing it.

Q. Did Captain RODRIGUEZ ever discuss anything such as this with you?

A. I don't remember. I really don't.

Q. Major GAVIN?

A. No, sir. I don't remember.

Q. Captain DAWKINS?

(Witness gives negative response.)

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Were you familiar with any Viet Cong propaganda which was coming out about this time, which focused on the My Lai area, which is to say Tu Cung Hamlet or Co Luy Hamlet or the general area of Son My Village? That could be in broadcasts, by leaflet, through the use of slogans, arm bands, posters, or any other kind of propaganda?

A. No, sir. I don't recall. I don't remember seeing any of that.

Q. I have here a copy of a piece of Viet Cong propaganda which has been entered into the record as Exhibit M-35. I would ask if you have ever seen or heard of any propaganda such as this?

A. No, sir. I'm sure that I would have remembered it if I would have seen something like that.

Q. I have another piece that I would like to show you, which is an inclosure to Exhibit R-1. This is a two-page piece of VC propaganda. The first page is rather innocuous, and reads a great deal like the ordinary propaganda, but if you look at the top of the second page, you will notice that the tone of this changes in the second paragraph.

A. Again, I don't remember seeing this.

Q. Were you ever aware if any form of investigation of anything unusual that may have taken place there was being conducted by U.S. authorities during this time period?

A. No, sir.

Q. Or within the period of the next 2 to 3 months?

A. No, sir.

Q. Did you ever hear of anything being done on ARVN or the GVN side?

A. No, sir.

Q. Involving an investigation?

A. No, sir.

Q. From your working around with the people and in the refugee camps in this district, did you ever hear or did you ever see anything which may have aroused your suspicion of something unusual that may have taken place in about the middle of March in the VC area of Son My Village?

A. No, sir. I didn't.

MR MACCRATE: Mr. SITTIG, you will note that in M-30, which General PEERS showed you a few moments ago, the first paragraph is in reference to a letter from the Son Tinh District chief to the Quang Ngai Province chief, and that letter is dated 11 April 1968. That letter would of course be in Vietnamese. If Captain RODRIGUEZ were to attempt to author a statement such as this, which we see he has signed, how would you expect him to go about it, knowing what was available to him at Son Tinh in April of 1968, what resources he had, the people upon whom he could call for assistance. We understand that he did not speak Vietnamese. To whom would he turn? How would you conceive of him putting such a statement together?

A. Well, there were a number of ways that he could have gotten the information. A number of times people would bring information up to us, by-passing the district chief, in Vietnamese. We had our own translator who was an ARVN sergeant. There were a number of them who passed through the scene in the year and one-half that I was there. At that time--I don't recall who the gentleman was--he could have translated it for Captain RODRIGUEZ. I think that probably would have been written down and translated. It possibly could have been by word of mouth. Also, someone might have come up to the hill and made a complaint to him about this, and he might have included it in his report.

Q. Well, we know, Mr. SITTIG, that the letter of the 11th of April was in the district office at that time, so this is not something being taken by word of mouth. What we're interested in ascertaining is just how, given a letter in Vietnamese--

A. (Interposing) The district chief could have given it to him. Whoever held the letter would have had to give it to him.

Q. Well, presumably, this is what happened. But now, the letter would be in Vietnamese. Captain RODRIGUEZ, we understand, could not speak Vietnamese.

A. But on the MACV team there was a translator, an interpreter, a Vietnamese translator. He could have easily translated the letter from Vietnamese to English.

Q. Don't you find it somewhat surprising that something of this character would not have been shared with you, living as you were with Major GAVIN and Captain RODRIGUEZ and sharing meals with them?

A. Yes, I do. I do find it surprising. There are two possible explanations that I could give. One is that I might have been away at that time. It was during that time that I spent 3 weeks in the Danang hospital. I'm not exactly sure of the date, but I think it was in April of 1968. I know it was 3 weeks. I can get the information, but at this point, I don't know exactly when the 3 weeks were. The second possibility is that I may just have forgotten all about it. There was so much going on that I might have forgotten about the whole thing. But I can't conceive that I would have.

Q. Well, you read the letter of 11 April, did you not? General PEERS showed it to you.

A. Yes, that was the--

IO: (Interposing) The letter from Lieutenant TAN to the province chief.

A. Yes, to the province chief. At this point, I can't honestly say that I remembered seeing any of these documents. This would come as quite a surprise to me, because I was working with Captain RODRIGUEZ and we told each other everything that happened in our line of work.

MR MACCRATE: Well, there is no question in your mind that what was in the letter of 11 April was a rather unusual recital in which Lieutenant TAN closed with a rather strong statement?

A. Again, I'm not certain, but I believe at this time or a little earlier, Lieutenant TAN mentioned to Captain RODRIGUEZ, and I believe I was there as well, that he was going to put in a request for the removal of Major GAVIN, the senior district advisor. They weren't getting along well. I think it was mainly a personality clash between the two of them. And I don't know if this had any bearing on this statement at all, if some of that animosity overflowed here in this statement. It may be possible that it did.

Q. Well, could it have been the other way around? It's a rather strong report of an incident that is in the letter. To draw the conclusion Lieutenant TAN draws in the final paragraph, I find it an eminently reasonable thing if you accept the accuracy of what he lays out in the preceding paragraph. Could what you recall of such friction of Major GAVIN and Lieutenant TAN have its origins in GAVIN's reaction to Lieutenant TAN's report? Can you fix this in time as to when this conflict, friction, arose between Major GAVIN and Lieutenant TAN?

A. No, I really can't. I know it was something that was building up for quite a period of time, and it seemed to abate then, again, later on. But again, I can't fix a definite time when this happened. As far as I can remember, it was in March or April or May. I can truthfully say I don't know. But I do remember there was a period of conflict. On one occasion I remember Lieutenant TAN saying that he would prefer it if Major GAVIN left. But I don't believe he ever went through with the request to the province chief. It was just a statement. So that is about all I can say on that.

Q. Can you relate it to any particular subject matter at the time?

A. No, I think it was just a difference of personalities at the time. Major GAVIN was a very forceful, outgoing type of person. He was a major. And Lieutenant TAN was a very quiet, traditional, mandarin, lieutenant. On the other hand, he was very much in view in his role as a leader of his people. He felt as though the Americans could give a little more monetary assistance for one thing.

IO: What?

A. Monetary assistance for some of the pet projects that he had. I recall once, on a number of occasions he pressed both myself and Major GAVIN to build him a meeting hall at district headquarters. He wanted to set himself up as a small-time mandarin. Neither of us felt as though this was a priority project. We would prefer building schools first. I was a little bit more subtle. I guess I was a little bit more eastern in my philosophy than Major GAVIN. I don't recall Major GAVIN ever telling him "No," but he was rather blunt in his answers. Knowing him, I would imagine him saying, "Well, God dammit, you don't need that." Of course, this hurts. Now again, I'm not intimating that this statement by Lieutenant TAN is not the truth, because he heard it from his own officials. I don't pretend to make any connection in this. I'm just saying that there is a possibility, although rather remote. In most dealings I found Lieutenant TAN to be rather fair. He had a lot of pressures on him. He had a lot of political pressure on him as a district chief. I think he was very concerned with his people in the district. He was trying to serve them the best he could.

MR MACCRATE: Were villages in the district assigned administrative numbers? When you see in the upper left-hand corner, a notation of a number and "admin office," does that simply indicate the number of the correspondence?

A. Do you mean by the Vietnamese?

Q. Yes.

A. Could you give me an example? I think it just indicates the number of the correspondence, as far as I know. Now, we had a number system on our HES report for villages and hamlets. You're talking about this number here, on the upper right-hand corner (indicating Exhibit M-29).

Q. Yes.

A. I think that's a recording number. The person who sends it out, you know. It's a copy number, as far as I know.

Q. It is not any indication of the organization that you were following, for identifying villages in the district?

A. No, I don't think so. As far as I know, I never heard of it being used that way by the Vietnamese.

IO: What was Major GAVIN's relationship with Lieutenant TAN during the Tet offensive?

A. Of course, Lieutenant TAN just arrived, and he relied quite a bit upon Major GAVIN and upon the team and upon Captain RODRIGUEZ in military affairs, it seemed to me, anyway. He was working quite a bit of the time with all of us when he was up there on the hill. I think he relied on the artillery support we could give from the hill. He slept in the bunker a few nights as I recall. That's about all I can think of right now.

MR MACCRATE: Where did you live after May of 1968?

A. I moved into Quang Ngai City in one of the houses there.

Q. Did you at any time after March 1968, up to the time that you left Vietnam, I believe in January 1969, enter the Son My Village region?

A. No, I was never there. I flew over a few times. About the farthest I ever went was over here Son Hoi.

Q. Going out along Route 521?

A. Yes, I guess that's the number. Yes, 521. We continued on past the citadel and then we turned off just past there a little road down in this area to the series of four hamlets here. We used to turn down here and the Vietnamese told us never to go past this point on the road. I always listened to the Vietnamese. They were living there and they knew where to go and not to go. We never went past about this point (indicating past the citadel).

Q. Were you aware of any plans for a building of a model hamlet or any discussions about the building of a model hamlet in Son My Village?

A. In this area, or out in Son My?

Q. Yes.

A. I don't recall in Son My. I know we had talked one time about building a citadel up and bring all these people down in here. That's where Mr. MAY was in here. He was the advocate of the revised fortified hamlets, or whatever you want to call them. And we discussed that, and it finally fell through, I guess because we requested so many materials from the province and they never got there.

Q. Do you remember any parallel or revised program being discussed by Mr. BURKE?

A. Not in that area, no.

Q. Do you have any knowledge of an operation that was carried out, a military operation that was carried out by the 2d ARVN Division in June of 1968 into the Son My Village area?

IO: That was not the 2d ARVN Division. That would be sector utilizing two RF group headquarters and about six RF companies.

A. I don't remember that specific operation, no. Because there were so many operations going on that whole period of time, I don't remember.

IO: Well, Mr. SITTIG, we're appreciative of you coming in this afternoon. We probably have given you some information which you had not seen before. If any of this information does refresh your memory of anything which transpired during that time period, say March through about June of 1968, we'd appreciate very much if you would get in touch with us so that we could take advantage of any information you are able to recall. In addition, if you have any memoranda or letters, maps, photos, any kind of material that will assist us in the mission of this inquiry, we'd be obliged to have those.

A. Well, sir, if I do remember anything, I'll be sure to let you know.

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Q. I'll give you this opportunity to ask any questions that you may like, or to make any statement for the record if you might like.

A. No, sir. I don't have any statement. I just wish you the best of luck in getting to the bottom of this thing.

IO: This hearing will recess.

(The hearing recessed at 1533 hours, 14 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: RODRIGUEZ, Angel M.

DATE OF TESTIMONY: 24 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant District Advisor, Son Tinh District, Quang Ngai Province.

1. PREPARATION OF THE 14 APRIL STATEMENT BY RODRIGUEZ.

a. Timing.

Immediately prior to making the 14 April statement (Exhibit M-34) the witness was in Saigon (pgs. 10, 11). On the day he returned to Son Tinh his superior, Major GAVIN, departed for a few days R&R (pgs. 3, 11, 18). Thus, when District headquarters received the requirement from province which resulted in RODRIGUEZ's statement, the witness was acting Senior Advisor and, therefore, was the person who responded (pgs. 3, 4, 12).

b. Receipt of the request.

Lieutenant TAN's letter of 11 April (Exhibit M-29) was referred to RODRIGUEZ along with a request from the Quang Ngai advisory group to obtain information on the matter (pgs. 4, 5, 18). This request was received in the regular mail, and the witness did not recall being telephoned concerning the matter (pg. 18). Since RODRIGUEZ did not have the capability to investigate an incident in VC territory, he was to contact the District Chief, discuss the matter with him, determine whether the District Chief wanted an investigation, and inform province about the District Chief's decision (pgs. 5, 18). At the time this request was received Lieutenant Colonel GUINN was the Deputy Province Advisor (pg. 4).

(RODRIGUEZ)

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c. Discussion with TAN.

Because there was a policy in the area that all reports had to be prepared within 24 hours, RODRIGUEZ immediately went to see TAN, the District Chief, since TAN had made the complaint (pgs. 5, 6, 19). TAN did not seem to pay much attention to the allegations of American atrocities, which he termed VC propaganda (pgs. 6, 8). TAN declared that the report came from the VC village chief rather than the GVN village chief (pg. 7). TAN stated he had spoken to the village chief, listened to his complaint, and written a letter concerning it (Exhibit M-29) (pg. 8). The witness was not told the whereabouts of the village chief, and he was never shown the report submitted by the village chief (pg. 7). TAN did not reveal the name of the person who had given him the information (pg. 9). The witness never saw a report to TAN submitted by Mr. LUYEN, Chairman, Village Council, Son My Village, dated 22 March (Exhibit M-49) (pg. 9). Prior to submitting his report, RODRIGUEZ showed it to TAN who voiced no objection to it (pgs. 25, 26).

d. Submission of the report.

After he spoke to TAN, RODRIGUEZ made the statement and returned it to province so that province could pursue the matter (pgs. 8, 18). He did not know what happened concerning the incident subsequent to this (pg. 18). Normally a report of this nature would be returned to province by an NCO and would be delivered to Colonel GREEN who handled administrative problems (pgs. 8, 19). GREEN in turn would discuss such matters with GUINN (pg. 8).

2. INFORMATION CONCERNING THE STATEMENT WHICH WAS GIVEN TO GAVIN.

When GAVIN returned two or three days later, RODRIGUEZ told him of the correspondence with province and of the allegation in the letter (pgs. 9, 10). GAVIN was given a copy of this information (pgs. 10, 19). RODRIGUEZ thought GAVIN was familiar with the contents of TAN's memorandum (pg. 13). RODRIGUEZ asked GAVIN if he wanted to pursue the matter in greater detail, but no more action was taken (pg. 19). The witness did not know if GAVIN ever talked to TAN about it (pg. 10).

(RODRIGUEZ)

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3. RECEIPT OF INFORMATION CORROBORATIVE OF THE DISTRICT CHIEF'S REPORT BY THE WITNESS.

The witness never saw the VC propaganda leaflet or heard any rumors similar to the allegations made in the leaflet (pg. 29). Usually Lieutenant DAWKINS handled VC propaganda documents (pg. 29). He never saw Colonel TOAN's directive to Quang Ngai sector (Exhibit M-32) to investigate the incident (pgs. 26, 27). RODRIGUEZ was never aware that ARVN was conducting an investigation or that the 2d ARVN Division conducted an operation in the My Lai area to find out what happened (pgs. 27, 32).

4. OTHER INFORMATION.

a. Actions surrounding Tet.

On the morning after Tet, District Headquarters was surrounded (pgs. 15, 16). It was eventually cleared by the 2d ARVN Division which inflicted heavy casualties on the 48th Local Force Battalion (pg. 16). He did not recall an incident where 75 to 80 people were murdered by the VC, but he was aware that three or four women and children had been killed when the VC overran a couple of outposts east of the citadel (pg. 33). There was another incident where the VC destroyed a small hamlet, named Xuan Tay, and kidnapped all the women and children there (pgs. 34, 35). He did not know how many persons were killed (pg. 35). This happened in April or May after Task Force Barker had been disbanded (pgs. 35, 36).

b. RODRIGUEZ's administrative procedure.

RODRIGUEZ had been a first sergeant and a company commander, and thus he felt he had a good knowledge of administrative matters (pgs. 20, 21). The files were in fine shape when he left (pg. 21). He normally made three copies of reports, two of which would go to headquarters and the other would remain in the office (pg. 20).

c. Miscellaneous.

(1) Since it was the policy to provide American units with guides, the witness could not specifically recall National Police accompanying Task Force Barker on 16 March (pg. 30).

(RODRIGUEZ)

(2) RODRIGUEZ has not spoken to anyone from the Americal Division since the story broke in the newspapers (pg. 3).

(3) TAN and GAVIN began working closely together at the end, but did not have a good working relationship at first (pgs. 13, 14).

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EXHIBITS

[illegible]

(The hearing reconvened at 1005 hours, 24 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG, LTC ROGERS, and MAJ LYNN.

Sir, the next witness is Mr. Angel M. RODRIGUEZ.

(MR RODRIGUEZ was called as a witness, was sworn, and testified as follows:)

Mr. RODRIGUEZ, for the record will you please state your full name, occupation and residence.

A. Angel M. RODRIGUEZ, teacher. I live at J3, Calle Del Oeste. That's University City, in Rio Peidras, Puerto Rico.

IO: Mr. RODRIGUEZ, have you had an opportunity to read the instructions?

A. Yes, sir.

Q. Do you understand them or do you have any questions?

A. I do understand.

Q. Mr. RODRIGUEZ, on my left is Mr. MACCRATE. Mr. MACCRATE is a civilian attorney. He has volunteered his services to the Secretary of the Army, Mr. RESOR, to assist us in this inquiry and also to provide legal counsel to me and to other members of this inquiry team. On my right is Colonel ARMSTRONG and on his right is Lieutenant Colonel ROGERS. These individuals have been designated by the office of the Chief of Staff, General WESTMORELAND, to assist in the conduct of this investigation and to work with me as assistants. Aside from this group we also have other groups taking testimony from other individuals. It will be my responsibility to pull the report together, to weigh the evidence, and to determine the findings and recommendations. We are directing military personnel on active duty that they not discuss their testimony with others, including those who may appear before this inquiry as witnesses. In your instance, in civilian capacity, we

cannot so order you. But we can request that you not discuss your testimony with others, including other witnesses, except as you may be requested or required to do so before competent administrative, judicial, or legislative bodies. In terms of legislative bodies it is conceivable that you may possibly be called before one of the congressional committees, specifically the investigative subcommittee of the House Armed Services Committee, in which event your testimony here or appearance here would in no way cause you not to testify before such a body. I would be almost certain that you have not been cited or cautioned by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. That's correct, sir.

Q. I would only say that in the event you are cited by that judge or by any other judges for any of the cases, your appearance here would in no way change either the effect or applicability of the orders issued by such judges. Do you have any questions at this time?

A. No, sir.

Q. Mr. RODRIGUEZ, would you indicate what your military duty assignment was in March of 1968?

A. I was the assistant district advisor, Son Tinh District, Quang Ngai Province. I was assigned there on 7 November as I recall, 1967.

Q. How long did you remain assigned?

A. I remained assigned there for 11 months.

Q. Did you speak, or read, or write Vietnamese?

A. Just a little. Before I got there I went to this specialized course at Fort Bragg for 6 weeks, but I didn't catch too much of it.

Q. That's what they refer to as the MATA course, M-A-T-A?

A. That's correct, sir.

Q. Mr. RODRIGUEZ, the so-called Son My or My Lai incident of 16 March 1968, became a matter of public knowledge

about 4 or 5 months ago, September or October 1969, by way of radio, television, newspapers, magazines and so on. Since that time have you had any conversation with any individuals, let's say, from the Son Tinh advisory group, from the Quang Ngai advisory group, the 2d ARVN Division advisory group or other personnel, who may have been associated with the Americal Division?

A. No, sir, I have not.

Q. Mr. RODRIGUEZ, I have here a statement with your signature on it that has been entered into the record as Exhibit M-34. This is dated 14 April 1968. This is a photostat copy of the document which we obtained. It is not too clear, not too legible, but we have a true copy attached to it. If you would, Mr. RODRIGUEZ, tell us everything you can about this document? Where you got the information on which this document is based? Who assisted in the translation of any documents that may have been related to it? Who you talked to about this document? Who would ask you to prepare it in the first place? Who did the document go to?

A. Well, sir, this happened a year and a half ago.

Q. I understand this. I'm trying to take you back 22 months.

A. It is very difficult for me to really remember every detail, but I did sign this document and I recall when this happened. On this day the senior advisor of the district was not there. It seems to me at this time that he took 2 or 3 days leave of some kind.

Q. While we're on this point, you may help to clarify it. We have talked to Major GAVIN, now Colonel GAVIN, and as a matter of fact at the moment he is en route from here to the Armed Forces Staff College, but we've not been able to get hold of him for a few days to confirm exactly where he was during this period. It is our understanding that he had returned to the States for an extension leave, sometime about this time. Do you recall that?

A. No, sir, I know that he did come back to the States some time in April of that year, but I don't recall the

dates, the exact dates. But I don't recall all the specific things. As I recall, he took some time off. I don't recall what he did, but then I was in charge of the district, actually not in charge of the district, I was then the acting senior advisor and this matter came to me from the province. It seems to me it was from the senior advisor of the Quang Ngai Province at that time. I don't recall his name at this moment.

Q. This letter came to you?

A. The complaint, the complaint came from the province to me to investigate, not to investigate but to get some information, because actually we didn't have the authority to investigate anything in the first place, and second, it seems to me they wanted to have some information. Through the Vietnamese channels came the same letter to the district chief and then the translation came to me from province.

Q. From province? Who gave you that at province, do you remember? The people at province then, Mr. RODRIGUEZ, were Mr. MAY, who was the province senior advisor--

A. (Interposing) Yes, sir, he was the province chief at the time, the senior advisor.

Q. Yes, his assistant or deputy was Colonel GUINN?

A. That's correct, sir.

Q. Yes. Then Colonel GUINN ran the military side, and Colonel GUINN also had working for him a Lieutenant Colonel GREEN?

A. That's correct, he was the administrative officer.

Q. Now can you recall who specifically gave you the letter from the district chief upon which you based this report?

A. Sir, actually the administrative policy was for Lieutenant Colonel GREEN to take all these reports and send them down to the district advisors. That was the policy, to get him involved in all the administrative details. But, I don't know, I cannot say who--

Q. (Interposing) Was it Colonel GUINN?

A. He was there also, but I can't state if he did

tell Lieutenant Colonel GREEN to send it down.

Q. Did he just send it down?

A. He sent it down just like this.

Q. Well, not like that.

A. No, sir, I mean just the translation.

Q. Let me refer to you another document (Exhibit M-29) to see if this is the document you're referring to. Here is a report which has been entered into our record, prepared by Lieutenant TAN to the Quang Ngai Province chief, dated 11 April. You'll notice that a copy of it went to the 2d ARVN Division headquarters and another copy went to MACV, Quang Ngai Sector. The Vietnamese version is attached to it.

A. And a translation was made on this?

Q. Yes.

A. I recall that, sir.

Q. Well, would you read that to see if that is the document you're referring to (Exhibit M-29)?

A. Yes, sir, this is the one.

Q. Let the record indicate that Exhibit M-29, Lieutenant TAN's letter of 11 April, is the document that was referred to him by the Quang Ngai advisory group. What did they do, ask you to investigate this?

A. They asked me to get information on this, because actually in my position I can't investigate anything. I just have to go to the district chief and discuss it with him, to see if he wanted to go ahead and investigate the thing on this alleged incident and send back the information to the province for them to get in contact with the division, Americal Division, so they could resolve this matter.

Q. When that requirement came back to you from the advisory group, who did you talk to then?

A. Sir, I talked to the district advisor, I mean

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never came into my mind. I don't think anyone would have dreamed of something like this, an incident of this kind. As I said, that was 22 months ago. It's very hard for me to remember every detail. But this Lieutenant TAN, I talked to him and he said it just was a matter of Communist propaganda of the Viet Cong, and that's the information sent back to province for them to check with the Americal Division. What they did after that--

Q. (Interposing) Who did you provide this report to once you had this prepared in this form, Mr. RODRIGUEZ?

A. This one right here, sir?

Q. Yes.

A. I sent this back to the senior province advisor. That went back to Colonel GREEN.

Q. GREEN or GUINN?

A. I sent it back with one of the NCO's I had in there, so I don't recall. Actually it's very hard for me to say who got it, but I suppose that the senior advisor will probably discuss this with Colonel GREEN.

Q. Why Colonel GREEN?

A. Because Colonel GREEN was the one who handled all the administrative papers at the time, sir. All the information, all these types of reports were given to him. In turn he would go and take them in to Colonel GUINN and discuss anything of importance.

Q. All right. Okay, fine.

A. So this was the administrative procedure and I figured that wouldn't keep Colonel GUINN busy all the time.

Q. Did Lieutenant TAN ever tell you that he had talked to the village chief, that he had a report in writing from the village chief, and that he had gotten some additional statistics, names of people and so on?

A. No, sir, I don't recall that. He said he had talked to him and he got this complaint. That's when he wrote this letter.

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Q. Did he say the name of the individual who gave him the information?

A. If he did it's very hard for me to remember his name.

Q. I have here another document which is Exhibit M-49, a report to the District Chief Son Tinh District signed by Mr. LUYEN, Chairman, Village Council, Son My Village, dated 22 March 1968. This is the Vietnamese version again, Mr. RODRIGUEZ, and the English translation is on top. I'd ask if you've seen this document.

A. No, sir. No, I don't recall seeing that one. The only one that I know I saw was this one here (Exhibit M-29). I'm positive of this one and I know I prepared this (Exhibit M-34).

Q. You know you prepared that?

A. Yes, I prepared this to comply with the information they wanted me to give them at the time. Because what I understood was that they were going to get more information. They wanted this information to go and talk to the Americal Division, I suppose the commander or someone in there, to get this taken care of. That's all I can recall.

Q. I understand Major GAVIN returned about this time, too?

A. Yes, sir.

Q. Did you have some discussion with Major GAVIN about this?

A. Yes, sir. I did.

Q. Can you recall your discussion with Major GAVIN about it?

A. Yes, sir, I told him that I had received some information from province, a letter indicating that an alleged incident has occurred in this place here, and they wanted to pursue this more. It was my policy there to keep a copy of this for him to see also. So I suppose that a copy of this probably was in the files when I left.

Q. Did you show this letter to Major GAVIN?

A. Yes, sir.

Q. He saw that as well?

A. He saw that. I didn't do anything unless he knew about it.

Q. All right. Do you know if while you were talking to him about this, if he and yourself might have talked again with Lieutenant TAN about it?

A. Sir, after that I don't recall if he did or not. I know I didn't do it after that. I talked to Major GAVIN and then what he did after that, I have no knowledge of.

Q. We understand that along about this time, that Major GAVIN did have a few days off where he went to Bangkok, do you remember that?

A. Yes, sir, I remember. Well, he made three different trips I recall. He was supposed to go to Bangkok, but he never got there the first time. Then he made a second trip to Bangkok. And then after that he came back to the States for 30 days leave. That's when he extended for 6 months. But the first trip that he tried to make to Bangkok, I don't think was some time in March. If I recall that was sometime in April.

Q. Let me refresh your memory now. The 14th of April was Easter. It was a Sunday, Easter, which I'm sure with you and your Latin background, you probably recall going to Easter services some place or having Easter services?

A. Sir, 7 April, I recall that, because I went to Saigon myself. I spent a few days down there trying to get my retirement papers taken care of. That was some time in April, so I remember that and then I came back about probably 13 or 14 April, something like that, and Major GAVIN was still there.

Q. Was still there?

A. Yes, sir, was still there. But I can't really pinpoint dates, because it's very difficult for me to do that. But I do recall that he was still there. Although

he was quite unhappy probably with me, because I couldn't get the plane on time there, and I missed 2 more days somehow in Chu Lai. So I can't recall the date that he went to these places, but I know that he took several days off a few times.

Q. Do you remember the specific days you went to Saigon?

A. I know it was in April. I probably have some notes back home, but I don't have any with me, and probably my retirement application had a date--the first one, I had two. I had to make another trip, because that one actually got lost. But that application should be in my records, I mean the day must be on my records.

Q. Evidently Major GAVIN was not there when you received this directive from province to check into this matter?

A. Yes, sir.

Q. Because you signed it on the 14th?

A. That's correct, sir, I signed it there. So I know he was not there. He returned 1 or 2 days after this, after I signed it, after I got this letter prepared and sent it back to province.

Q. There is some indication that he went to Bangkok or was absent on some kind of R&R from the 15th through the 22nd. If he was gone on the 15th he may have departed on the 14th.

A. It's possible. It's possible. I think so, sir. To get to Bangkok he has to report 1 day prior to the R&R center in order to get the transportation, so there's a possibility that I can say that. I think that was the way it happened. He left 1 day prior to his R&R.

Q. And you had gone to Saigon and got back?

A. Yes, sir.

Q. He was there, but then departed?

A. He departed the very same day, if I recall the details now. The very same day I reported back to Son Tinh.

I got in in the afternoon, and he left the same afternoon.

Q. Maybe this is on the 13th then?

A. Probably on the 13th.

Q. That would have been Saturday. You would probably remember Easter, I mean going to church service and so on if he'd been there?

A. Probably, yes, sir.

COL ARMSTRONG: To get down to the R&R center at Saigon you had to go up to Chu Lai and catch an aircraft down. This was a day or two operation?

A. Sir, he took the R&R from Danang. They had a center there, but he had to go there first in order to make preparations and get transportation.

IO: But the fact is that when you received the requirement from province he was not there. Therefore, you took the action?

A. Yes, sir, I took the action, because they wanted to have this information. Since he left that day and he didn't give me any information at all on this incident, I had to get some information. My thinking was this. I knew that area very well, if I can get to the place of Pinkville and make an investigation there, I needed at least two or three battalions. I know the Vietnamese were not ready to give me that, because they themselves did not want to do that unless they had many troops. Even with that they were quite allergic to do it. That's quite a phrase, but that's the way it was.

So my only action in this case was just to talk to these three men who had made the allegation. To find out who gave the information and try to see what I could do, what information I could get back to province so they could act on this affair.

A. When he came back from Bangkok or wherever he was, when you first talked to Major GAVIN about that, was he aware that this letter had already existed? You'll notice that this was signed on the 11th. Evidently while this was being prepared, you were in Saigon?

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talked to quite a few people, Mr. RODRIGUEZ, that up to a certain time they did not work too closely together, but eventually they became quite friendly with one another?

A. Yes, sir, they did. At the end they were working together and like probably most of the advisors, we had differences with the Vietnamese counterparts.

Q. Now, Dai-Uy TAN, he was new on the job too, was he not? Comparatively new?

A. Yes, that's correct, sir.

Q. He came in the latter part of 1967?

A. That's correct, sir.

Q. Maybe December, I think.

A. Probably in December, right before Christmas, I recall, sir. So he was quite new on the job, but the impression I had, he was a very able officer compared with the others I have seen, although many times he came to our place just to be closer to us, because he didn't have much confidence in his own people.

Q. I understand that after Tet he moved up on the hill to join you?

A. That's correct. He slept right in our bunker.

Q. Probably for a good reason?

A. For a good reason, that's true. In those days one of the other district chiefs had been killed, and he knew about it.

Q. One thing that I think would be helpful for us is to get your appreciation of where you stood at that time? I say you, I'm talking about Son Tinh District.

A. Yes, sir.

Q. And Quang Ngai Province. What was the operational situation as far as trying to get the forces back out to recover from Tet, you might say, to retake the countryside? I

would understand that there was quite a bit of pressure on many of the outposts and lots of activity going on. Could you explain that?

A. Sure, sir. May I use this map? In the morning after Tet, we were all surrounded here in our small hill.

Q. What hill are you pointing to now?

A. This hill here where we had the--

Q. (Interposing) Are you talking about over where your Son Tinh--

A. (Interposing) Yes, sir, right here.

Q. That's where the RF training center was?

A. The training center was across the hill. Right here, sir.

Q. Was it on that--

A. (Interposing) Let me look at this, sir. You're right, sir. Here we were and the training company was right here. Then they took over the training center and we were here at the time, and all the outposts including this outpost here--

Q. (Interposing) On Nui Ngang?

A. Nui Ngang, I believe.

(IO oriented MR RODRIGUEZ on Exhibit MAP-1.)

On this one here, we were right here at the end of Tet offensive. We were right in here.

Q. You were confined to the sector headquarters?

A. Confined just to the sector headquarters. We had to take some platoons in there, and the district chief went with them, just to clear a small space there where they had the firing range. They were that close. And they also had attacked the district headquarters that night.

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a fine job.

Q. Yes, well, that's fine. I think that's very helpful, Captain RODRIGUEZ, to get a general picture of what happened at Tet.

Tet took place at the end of January, extended somewhat into February. Then you had the problem of recovery. What was the situation along about the end of March and the first part of April? Were you still having lots of activity going on?

A. Yes, sir. We had 100 hamlets in our district, and in our reports we normally controlled only about 30 percent or so. The 70 percent, this is just figures I recall, I mean it might not be the exact figure, but it's just a ratio of about one to three or one to two, I would say--one to three, one-third. We had most of the time only just a small area here (indicating) controlled by the government. The other was just VC country. Actually, I couldn't get myself to get in and train these people. The only way I could get in there, we used to use at least a platoon or a company to get anyplace. It was not safe at all. The Americal Division kept responsibility over this area. Using your information, you probably know that this area from the train tracks (indicating) to that side and north became the operational area for the Americal Division. After that we were in better position.

MR MACCRATE: Mr. RODRIGUEZ, going back to the request that was made to you to get information about the letter of 11 April, do you recall how the request came to you? You have any recollection of whether you had a telephone conversation? Did Major GAVIN speak to you before you left? Were you down in Quang Ngai? Can you put any of those little pieces together for us?

A. What I remember is when I came back, I stayed in Chu Lai that afternoon and he understood that I made my trip from Saigon to Danang to Chu Lai. I tried to get some transportation to get back. I was not familiar with the airplane situation then, so I got to Chu Lai to see if I could get the helicopter company to give me a ride with the evacuation unit that they had. They used to make a trip to Quang Ngai every afternoon and every morning, so I thought on one of those flights I could get back to Quang Ngai. He told me

he made a trip to Chu Lai to see if I was in Chu Lai, because he was quite interested in leaving that afternoon to Bangkok or the place where he was going. The very day that I came back to Son Tinh, then the same afternoon Lieutenant DAWKINS took him to Chu Lai. Then we understood he got some transportation to get to Danang, to the R&R Center. He had made some arrangements. It's coming back to me now. When he went to Danang, I don't think he made the trip to Bangkok. I think he couldn't make the airplane; that's what I understood. So he stayed in Danang a few days and came back. And then he took another R&R to Bangkok. So that's all I can recall.

Q. Well, that helps put the days together. Now coming back to the request that came to you to get information about the 11 April letter or report, can you recall who it was who made that request to you?

A. As I told General PEERS before, this information came from province in the regular mail. We used to make a trip to province to pick up the correspondence to the message center and pick up this information, I mean all these reports and letters and things like that, of this nature. Well to me it seemed that it was handled in a routine manner, because this came to me in a letter, for me to get information and sent it back. I don't recall if Colonel GREEN or anyone there called me on that day to get the information back.

Q. I understand. So you think there was a written request to you to get this information?

A. Yes, sir. This is the one here. This is the letter that came back to me with the translation, for me to get information and send it back to province. So that's what I did.

Q. Now, do you recall in preparing the statement of 14 April whether you had any assistance in preparing it?

A. No, sir. Because I'm a good typist myself and normally in the district I used to make all those type of reports, helping Major GAVIN. After I talked to Lieutenant TAN, I went right away, because they wanted this information back. I made this statement and sent it back to province for them to pursue this matter, I suppose. I mean after what happened there, after that happened, I don't know.

Q. Do you have any recollection of the paper with which you sent that back to province?

A. No, sir, I don't recall.

Q. I would assume that you prepared the statement and then you had a memorandum that would have the person to whom it was addressed on it. That you would send it back to a particular person at province. What I am trying to get here, if we could, was the link as to how and to whom you sent it back at province?

A. Normally things of this matter here we sent them with one of the NCO's. He took them straight to the admin office there for them to give them probably to Colonel GREEN, then to Colonel GUINN. It was that important. So I figured that all this information that went back to him probably went through Colonel GREEN. I can't recall exactly but I say that Colonel GREEN would have had some knowledge of this, because he was the one who handled all these administrative things. He must know and also Major GAVIN, because after he came back I gave him a copy of this. I explained this to him, and I also asked him if he wanted to pursue it to get more details or perhaps prepare an operation to go in and check what these people were alleging.

Q. What did he say to that?

A. It seems to me no action was taken, so since he was my superior officer, I cannot do any more.

IO: You indicated, Mr. RODRIGUEZ, that they were in a hurry to get this report back?

A. Yes, sir.

Q. How did you get this degree of urgency? How was this transmitted to you?

A. There was a policy there that all the reports had to be prepared in 24 hours. As soon as we had a report that was not there in time, then Colonel GREEN used to call on the radio saying, "Send me this report right away; I need to get this to Colonel GUINN." Probably that's the way it happened. That was just a normal policy for us to work this way, so that all the matters that had some importance would

be taken care of, because most of the time we were on operations.

Q. Would you by chance, among other papers you have at home, your notes and so forth, would you have any notes with reference to what you got at province and so forth on that? What you sent back? You received a letter of transmittal to send you this, evidently to tell you what to do and then you had to write something to give them this statement in compliance with such and such, and such and such?

A. Yes, sir, I know what you're leading to. Probably I had to do that, yes, sir. Statements like this, I had records in the office there. I kept good records of everything that happened including the letters, copies of the letters with the cover letters of these statements, and all the things here. It would be very, very difficult for me to indicate. I probably did. It was my policy and my habit to make a cover letter for this and make an explanation back to the province.

Q. Yes. Do you remember when you made your report that you made it in several copies?

A. Yes, sir. Normally I used to make three copies.

Q. Three copies?

A. Normally I have three copies, two to go to the headquarters, and one to stay in the office.

Q. Yes, now you'd send the original and one onion skin?

A. One onion skin.

Q. Yes, forward?

A. Forward, right, sir.

Q. Yes, and you would sign both copies?

A. I signed both copies. I had two copies going all the time to the admin office, and I could say I had good

knowledge of administration, and I tried to keep the things in there, so all this information was quite up to date when I left.

Q. You said a couple of times about your knowledge of administration. In your background had you had some administrative training?

A. Yes, sir. Before I came in the Army I was a teacher. Then I volunteered to become a regular Army soldier with the 65th Infantry. I stayed in the Army for these 20 years as a private, and then I became a captain through the ranks. Through all this time I was a first sergeant, I was acting sergeant major. I was personnel sergeant. I was in communications.

Q. All right. You've answered my question. I know exactly.

A. Yes, sir.

Q. So you knew military administration?

A. Very well, sir. And I was a company commander for 2 years, about a year and a half. I was commended for my administration with the company, so I suppose it was good. I had two companies at one time rather than one.

MR MACCRATE: So that when you left the Son Tinh District headquarters, you left the files in pretty good shape?

A. Yes, sir, real fine shape. As a matter of fact I cleaned the whole area. For a combat zone like that, we had a excellent filing system in the dugout. We had a very fine operation in that area, because I used to work in the Army headquarters, not only in USARSO, but in the 3d Army headquarters as the operations sergeant, also.

Q. Did you have in the sector headquarters, in the building you had, did you have some files there? You also had some files in another dugout down below?

A. No, sir, we brought all the files in the dugout. But we had the bunker, because we dug in and we had a concrete type bunker in our headquarters there. We had these files

by the commo center just to have everything together and safe. We were expecting so many things every night. We couldn't burn the whole file all at one time, so they were close to the radio. When the radioman got the information all we had to do is get the grenade, put it in there, and it would be destroyed.

Q. I think later on this morning I may ask you to just write out how somebody might go to where those files are located.

A. Yes, sir.

Q. We have had people look through the files at Son Tinh and we have found no reference of this. But whether they have been in the files in the bunker or not, I do not know. But I would like for you to, in as short a description as possible, tell them where they are in the bunker?

A. Yes, sir. Well, sir, we had only one file cabinet and that was inside the bunker by the radio, there was no other place where we kept all these files. There were no other references or no other places. They were all in one place. If someone asked anyone in there to get to the files, they all knew that they were all in that place. Right in there on the ground, because our bunker was underground.

Q. Yes, well at the time, we were there, at the present time they are enjoying being on the surface instead of in the bunker. I'm not saying that they don't use the bunker, but for office space and working they are using the building on the hill.

A. Must be safe now, sir.

Q. I will say for your benefit that you'd be amazed at the progress which has been made in Quang Ngai and more specifically in Son Tinh District. I think you'd find it most gratifying. I think you can be proud of what you might have contributed to it.

A. Thank you.

MR MACCRATE: After you reported on this to Major GAVIN, do you have any recollection of the subject ever being returned

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he was so busy at that time with trying to defend himself and do what he had to do to recover the countryside that this seemed somewhat unimportant.

A. Could have been possible.

Q. Yes. So he, in that sense, agreed with the words "did not place much importance upon this." But it is not the information that he indicates that he was referring to. He had gotten this information from the village chief and he felt that it maybe could be some VC propaganda certainly, because it was coming from VC controlled area. But he knew Mr. LUYEN and had talked to him and gotten a written report from him. And one thing which we do not have now, but which he indicated he did have, was a list of the people, but he was not able to find that in his records. But he did find for us a copy of this report of 11 April, and some other papers.

He is not the district chief any longer. He is the intelligence officer, and he could not go back to the files. I had to mention this to the new province chief who said, "I will send him back," and he did, along with one of our officers. They found the papers they were looking for with the exception of some of the statistics. So we have had quite a bit of time with Dai-Uy TAN and with the province chief. He has changed, too, for your information. We saw Colonel KHIEN the day before he moved from Quang Ngai province to Quang Tri Province where he is now the province chief.

A. He is the province chief?

Q. Yes.

A. Well, sir, see this, every content of this statement here I discussed with Captain TAN, at the time Lieutenant TAN. He knew about this. Actually I gave this to him: "Look is this what you want or do you want to have an operation, to go there to check these details, this information. Are you satisfied with this statement." That's what I said, "This is the one I'm going to send back to the province." Now it's up to province to pursue this matter if they want to do it. At the time as you mentioned, sir, we were quite busy. It's true. We were going back to get this area that we had lost. We had many other things going on. If he didn't try to do any more, it seems to me, there was nothing we could do about it.

He probably told you that I discussed this with him, and I gave this information.

Q. He indicated that he talked to you about it, and he saw you with it in the typewriter.

A. Right, sir. We actually took this together. I typed it for him, you know. I typed it with him and said, "Look, it seems to me we must be concerned about it. We must do something about this if you feel that we should." But as I said he read the statement. That's what he wanted me to say and I sent it back to province for them to try to get more information perhaps, or get with the other people in the Americal Division and get an answer to this. That's all I can say.

Q. Mr. RODRIGUEZ, I have here another document which I would like to refer to you. It's from the G2 Tactical Zone 12 to Quang Ngai Sector, signed off by the chief of staff of the 2d ARVN Division, Lieutenant Colonel Pham Cao DONG for Colonel TOAN, the division commander. We have it entered into our record as Exhibit M-32. I would ask if you have ever seen this, or has anybody ever referred such information to you, or made it known to you?

(Witness received and reviewed document.)

A. The translation here?

Q. Yes, you'll notice in the signature block, you'll see the date?

A. 15 April..

Q. 15 April 1968.

A. No, sir, I haven't seen this.

Q. Was that information ever called to your attention reading what is directed in the message?

A. No, sir.

Q. You see it says, "Request sector conduct another

investigation. In event report is not true, instruct Son Tinh District to rectify the above report. If correct report to G2, 2d Division. This headquarters will intervene."

A. No, sir, never came to me. I'm positive of this. I'd like to correct that, sir. I mean if this came I didn't have any knowledge.

Q. Well that's all--I'm only asking what you know.

A. Yes, sir.

Q. We understand that later on there were some operations conducted out in this area. Do you recall operations being conducted here for the purpose of trying to find out what may have happened in My Lai (4), or in Tu Cung, or Co Luy?

A. No, sir, I don't.

Q. Do you recall an operation being conducted by two RF group headquarters along in about the middle of June?

A. They had several operations in there. They did have several operations, but the purpose of the operations I don't recall, because after that they normally were operating right there on the east coast. That's when they wanted to get all the PF platoons and make them into companies. And they were trying to work, not as a company, but as battalions.

Q. Yes, that was a group organization.

A. A group organization, then they sort of went out and tried to test this organization. But I don't recall what the purpose of any one of these operations was to check this.

Q. Well, you recall some of these operations, I'm sure that you remember there was an operation with one of the groups that had moved up with most of its troops from Quang Ngai, from the Quang Ngai City area to reestablish the outpost on Hill 85?

A. Yes, sir, I remember that.

Q. You probably remember the colored officer that

headed the MATS team with that group, Major FORD?

A. I remember, that was Major FORD.

Q. Did you work pretty closely with him?

A. No, sir. He came several times, because he was supposed to check our RF and PF training. But normally he worked with province. See, in the operation orders they attached or they formed these RF companies and they took the command out of Captain TAN and gave it to this new commander of the companies.

Q. Group commander?

A. The group commander. And since then we actually didn't go out much, because of the fact we didn't have any troops left, maybe three or four platoons.

Q. You took care of revolutionary development kind of activities, pacification.

A. The small things, that's correct, sir, and training of the PF.

Q. The operation in June I think you'll remember, because that was during the period that Colonel BARKER was killed.

A. I recall his helicopter, two helicopters colliding.

Q. Hitting with an O-2?

A. Yes, sir.

Q. O-2 and a helicopter collided?

A. Right, collided. And he and his S2 and some other officers died. I recall that operation.

Q. You weren't directly associated?

A. No, sir.

Q. Were you familiar with any of the Viet Cong pro-

paganda that came out about this time which may have indicated something unusual happening in Son Tinh? I have two things which I'd like to show you to see if these by chance were ever called to your attention. I have here an attachment to Exhibit R-1, which is a piece of Viet Cong propaganda. I understand this came out in broadcast form and was then put down on paper. There's only two pages. The first page is somewhat typical Viet Cong propaganda in the sense that it's broad and sweeping, but when you get to the second page you'll notice that it changes its tenor.

(Witness received and reviewed the document.)

A. No, sir. I don't recall this.

Q. Did you ever hear anything like that?

A. Not at all, sir. Some of these things came to the S2, to our intelligence officer sometime. He handled these things.

Q. This is not a piece of propaganda, Mr. RODRIGUEZ. This is a notice by the Quang Ngai National Liberation Front Committee dated 28 March 1968 (Exhibit M-35). You'll notice the Vietnamese version about four pages back, it has a rather unusual heading, "Thong Cao." Do you remember seeing anything like that?

A. No, sir.

Q. Would you just take a quick look at this document and see if you've possibly seen such a document. Have you ever seen anything like that?

(Witness received and reviewed the document.)

A. No, sir. As I said before they all came in a package from the intelligence people, and they had a group in there and they came to Lieutenant DAWKINS. He took it down to the office or took some action on those things. I didn't ever get involved in things like that.

Q. Well, he would have to rely upon a translator, wouldn't he?

A. Yes, sir.

Q. After all unless you read and write the language, this would be almost meaningless.

A. That's right, sir. I didn't get much of that Vietnamese.

Q. I have just a few more questions I'd like to ask you. On 16 March 1968, it was reported that the S2 of Task Force Barker, Captain KOTOUC, stopped by Son Tinh District headquarters and picked up three National Policemen and five ARVN, an officer, an NCO, and three enlisted personnel. It was reported that the officer was a Lieutenant ANH, A-N-H. Do you know him?

A. I don't recall the name.

Q. There is a little confusion here because the name ANH comes up only in connection with going up and picking up some loot, you might say, in the form of boots after the operation. But in discussing it we find that the one that did accompany the operation was a Lieutenant DUC.

A. Oh, Lieutenant DUC, I did know. Yes, sir. He was the S2 of the district, the district S2.

Q. Yes, now do you remember this situation when they came down and picked up these people at district?

A. Sir, this was the policy for us to provide them with these guides and this used to happen normally every time they had an operation. So this particular incident would be very hard for me to remember.

Q. Not any different than any other?

A. No, sir, because sometimes they used to ask us for two, sometimes for three, sometimes four. Different requirements. There were several, and for us this was actually routine every time that Colonel BARKER or someone else there called, "We need two men, we'll pick them up in 5 minutes or 10 minutes or maybe tomorrow morning at 0600." All we had to do is call. I talked to the district chief, got the people and took them down to the helicopter and go.

Q. Did you have National Policemen, or did you have

National Police Field Force at that time, March 1968?

A. March 1968. The district had some National Police-men attached to the district and Captain TAN had control of those people. And it's possible that two of them, because they used to dress in black pajamas many times, or sometimes they went dressed the same as the unit they were with. It all depends on the operation. Now it's possible that two National Police had gone during this operation.

Q. If Lieutenant DUC took an NCO and took three enlisted men, where would he get those? Would those be RF or what would they be?

A. He had an intelligence section actually--

Q. (Interposing) Oh, he had an intelligence section, an intelligence section too?

A. Actually on paper. I say on paper, because they didn't use them as an intelligence section. One was the district chief's driver. The other one was working some other place and so forth. But when they have the need to do this, Lieutenant DUC would go into the security forces they had for the district headquarters and pick up so many men and take them with him.

Q. Yes. Well, do you remember that Lieutenant DUC wore a 2d ARVN Division shoulder patch?

A. Yes, sir, I recall that, because after that he was transferred to the 2d ARVN Division.

Q. Yes. But at the time he was there at district, did he wear the 2d Division patch?

A. No, sir.

Q. How about the other people that were on security?

A. No, sir. That was one of our platoons and if I recall now, because I knew all the numbers of these people. That was platoon number 36 and that was a special platoon. What they did was this. They took all the people who were incapable of performing duties, like wounded people and a few

others, sick people, and they formed a special platoon to defend the district headquarters. Among these people, they had some close to Lieutenant TAN. He had confidence in these people for security, but otherwise, they were all PF personnel, no ARVN or RF, they were all PF's.

Q. We've done a lot of talking here this morning.

Aside from what you had been told by province, the province advisor group to check into this, were you ever aware that ARVN was conducting an investigation?

A. No, sir, no. The impression I had was that Lieutenant TAN sent this letter to province, and province got into the picture. The senior advisor of the province headquarters sent this letter back to us to get information and get with the district chief and see what happened, what was the problem. That was it. Actually I never figured in my mind that they were investigating this themselves.

Q. How about the Americans? Did you ever think the Americans were investigating it, the 11th Brigade, or the Americal Division, or anybody? Anybody ever come around to talk to you about it?

A. No, sir, not to me.

Q. Ever hear any rumors or talking?

A. No, sir. Perhaps if this happened that was between the province headquarters and the Americal Division, but I didn't have any knowledge of this happening.

Q. I've got one other matter that I'd like to check with you on. I think you may know something about it. I'd like to take you back to Hill 85. One of the companies that was put on 85 was reported to have been a Montagnard company, RF.

A. I recall that.

Q. And this would have been under Son Tinh District. We understand that sometime in the summer or it could have been perhaps even in June of 1968. June, I believe, is the time that this Montagnard company was attacked by the VC or perhaps the 48th Local Force Battalion on Hill 85. They suffered some casualties, the Montagnard company. I believe its company number was decided to be--as I recall it was 232 or 283. The Montagnard suffered some casualties and they had some of their people abducted. Some of the RF soldiers and also quite a few women and children who had moved out on the hill with them, into the bunker system, maybe as many as

75 to 80 or more. And that they were never heard of since, either abducted or murdered. Do you recall that?

A. Sir, I recall the place and we had two companies, Montagnard companies. Let's see, there was one west and one was right in the same headquarters where we were, protecting the artillery guns that we had in there, four pieces, and that was their mission specifically. But when that happened I heard that they had some casualties, but I didn't get any other information outside of that. I didn't get any information at all that they had been kidnapped or they had killed women and children, the VC I mean. I don't recall anything like that happening at all.

Well, that was a policy of the VC I can say that. We'll come in and the district chief will get a new government village chief or hamlet chief. They would come in and kill the family and kill everyone of them. They came into the refugee camps and took away all the young people, women, and all the people that could work. That's where they used to come, most of the time. They'd just come and maybe even some of our soldiers they just disappear. We never found them. If they went on their own back to the VC people, I can't tell, but I know that they disappear including women, children, and all the people that could work. They came in and grabbed them just like that and there was nothing we could do because of the fact we were right on that hill there and we can offer no protection.

Q. Yes, I understand also east of the citadel along Highway 521 that a couple of PF outposts were overrun?

A. Right, sir.

Q. And there were more than a few women and children who were killed in this too, you remember that?

A. I remember that.

Q. You remember that. Do you have any idea of how many women and children were killed in that instance?

A. There were a few, probably three or four maybe. I don't think there were many. I don't recall the number,

but normally in a situation like Vietnam, in a place like this, there were many children, many women killed. Just the fact that our soldier, our people whenever they went in there they had to fight. I mean they were fighting for allies, no question about it. And before they get to someplace, they get sniper fire, and they have to use the mortars, especially the Vietnamese. Before they got any order they just threw everything they had in there. They had children. They had women. Many times I grabbed them myself and took them to the helicopter and sent them back for medical attention. And the Viet Cong also did that. That's what their policy was, every night. Every night they came in, in the area and kidnapped somebody and took them with them. Every time, every day we get a report in Son My, in My Lai area, even close to our headquarters, they just came in and took them with them.

Q. Did they kill them?

A. I can't tell, but I knew that they grabbed them. The chief, they killed him, the family I don't know.

Q. Do you know of any other situation out here now where the VC, the Viet Cong came in and may have killed an inordinately large number of women, children, old men and so on after about March or April?

A. I recall many, very many instances where some of the officers came to me or PF's and they mentioned to me that VC had killed their brothers, and they kidnapped them, and killed them, and their families and all this sort of thing. But we didn't pay much importance to that, because of the fact that it was a regular thing there. They come in and grab what they can and killed--

Q. (Interposing) Well, I'm not talking about terrorist attacks, Mr. RODRIGUEZ. I understand that. I'm talking about something that might have been taken in reprisal for something.

A. The only incident I recall was close to the Americal Division, north. They came one night in there and they kidnapped all the young people that were in there. I think that was west of the location of Bunker Hill where the 11th Brigade was situated, sir.

Q. The 11th Brigade was at Duc Pho.

A. Task Force Barker was right here.

Q. Yes.

A. And this is a small village, here.

Q. Yes.

A. A small hamlet. They came in one night and they destroyed everything, they took all the women and children that they had in there. Probably the battalion, one of the reports of the battalion probably say that, because they almost destroyed that thing and nothing we can do much.

Q. What time was that, do you recall?

A. That was early in the morning.

Q. What month?

A. What month? That was after probably April or May, sometime in April or May.

Q. And what's the name of the town that you're referring to?

A. Xuan Tay.

Q. What is it as you recall, how many did they kill in there?

A. I know they killed many, but I don't know the figures. Probably Task Force Barker had some information on that incident.

Q. Task Force Barker was disbanded on the 9th of April--

A. (Interposing) Another battalion moved in. Yes, sir.

Q. That was the 4/3, if you recall.

A. Yes, sir. Well when the 4/3 came in, that's when this happened.

Q. That would have been in early April then or about the middle of April?

A. In early April or maybe May.

Q. April or May.

A. There might have been many other incidents.

Q. Well, Mr. RODRIGUEZ, I want to tell you of how appreciative I am of you coming in and being so open and candid with us this morning. If based upon what we have talked about here now, you remember anything that is in addition to, or you might say, can add to anything that we've discussed, we'd like very much to take advantage of it. If you can notify Major LYNN or this office, Major LYNN will indicate to you how to get in touch with us. We'd like very much to be able to do this, if we can do this, without you actually having to come to Washington. Or if you have any documents of any kind, I would ask you to look through your papers that you brought home with you to see if you have anything like those we were talking about, those routing slips and letters of transmittal, to see if by chance you have any of those, to look in your file and see if you have the dates that you went to Saigon and information of that sort. We'd like very much to have that called back in to us to verify, so we can make it a matter of the record. If you have any other documents, photographs, maps or anything which would be of assistance to us please let us know so we can have them, arrange to have them picked up.

A. Yes, sir.

Q. In the case we do take any documents from you, we will have them photostated, true copied and returned to you immediately.

A. Yes, sir. Actually I don't have any official documents, but perhaps I might have some dates or something of that nature.

Q. All right, fine.

A. Sir, I'm glad to be here and I hope I have helped

you somehow. I have been actually sincere and this is what I knew after 22 months, and I hope this has helped our people somehow.

Q. We'll give you this opportunity to ask any questions that you'd like or if you'd like to, to be able to enter a statement into the record.

A. No, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1155 hours, 24 January

1970.)

SUMMARY OF TESTIMONY

WITNESS: WILLOUGHBY, Neill J. MAJ

DATE OF TESTIMONY: 16 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: District Senior Advisor,
Binh Son District, Quang Ngai Province.

TESTIMONY.

Major WILLOUGHBY had no knowledge of Captain RODRIGUEZ's statement or the attachments to Exhibit R-1 regarding the VC propaganda pertaining to the My Lai (4) operation (pgs. 7, 8). He had never heard of anything unusual occurring there (pgs. 7, 8). WILLOUGHBY also stated that Lieutenant Colonel BARKER was an outstanding officer who had shown compassion in avoiding civilian casualties (pgs. 9, 12). The witness also opined that Major CALHOUN was a fine officer and the Americal Division taken as a whole was a fine outfit (pgs. 10, 12).

EXHIBITS

[illegible]

(The hearing reconvened at 1546 hours, 16 January 1970.)

IO. The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, MR WALSH, and MAJ LYNN.

Sir, the next witness is Major Neill J. WILLOUGHBY.

(MAJ WILLOUGHBY was called as a witness, was sworn, and testified as follows:)

Major WILLOUGHBY, for the record, will you please state your full name, grade, Social Security number, branch of service, organization, and station.

A. My name is Neill Jack WILLOUGHBY, Social Security number is , United States Army, Infantry. My station is intransit to MACV.

RCDR: Major WILLOUGHBY, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army for the purpose of determining facts and making findings and recommendations concerning:

(1) the adequacy of prior investigations and inquiries into, and subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this incident.

This investigation is not being conducted to investigate all facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just stated.

General PEERS has had made available to him and has reviewed prior official statements obtained in other official investigations of the My Lai incident.

(WILLOUGHBY)

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Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being taken by the reporter.

Although the general classification of the report will be confidential, it is possible that testimony, or parts of it, may later become a matter of public knowledge.

IO: Major WILLOUGHBY, besides myself, there are two individuals at the table who may address questions to you. On my left is Mr. Robert MACCRATE, who is a civilian attorney who has volunteered his services to Secretary RESOR to assist me in this investigation and also to provide legal counsel to me. On my right is Mr. Jerome WALSH. Mr. WALSH is also a civilian attorney, and he has volunteered his services, along with Mr. MACCRATE, to assist us in this investigation. We have other teams of individuals, officers and civilians, who are conducting interrogations, taking testimony in this inquiry. But in the final analysis, I will have the responsibility of putting the report together and weighing the evidence and making the findings and the recommendations.

You are ordered not to discuss your testimony in this investigation with others, including witnesses for this investigation, except as it may be necessary to do so in performance of official duty, or as you may be required to do so before a competent judicial, legislative, or administrative body. This would not, for example, preclude you from appearing before a committee or a subcommittee of the House of Representatives if you are so directed.

I do not believe you have been cited by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. No, sir.

Q. All I want to say here is that if you ever are so cited, your appearance here would in no way change either the applicability or the effect of that order. Do you have any questions concerning any of the instructions we have given you thus far?

A. No, sir.

Q. Major WILLOUGHBY, would you indicate what your duty assignment was around about the middle of March 1968?

A. Yes, sir. I was the district senior advisor at Binh Son District, Quang Ngai Province. My duties encompassed advising and assisting the district chief of the district of Binh Son.

Q. As the senior advisor, you were responsible for advising him on military and on non military matters?

A. Military, and also the pacification effort.

Q. And you had a staff to assist you in this?

A. Yes, sir.

Q. How many people did you have on your staff?

A. I had five members. There were four members on my regular staff plus I had on loan to me at the time two artillery liaison personnel and one intelligence officer to operate the DIOCC.

Q. You mean the DIOCC, D-I-O-C-C?

A. Yes, sir.

Q. How long had you been in that capacity?

A. Approximately 6 months.

Q. Six months. How long did you remain in the job?

A. For a total of about 8 months.

- Q. Eight months longer?
- A. No, sir, 8 months total. About 2 more months after March. April, May, I changed jobs in June.
- Q. Where did you go in June?
- A. I went to Hoi An, sir, to become the S3.
- Q. Is that Hoi An Province?
- A. No, sir, Quang Nam Province. Hoi An is the capital, just south of Danang.
- Q. Did you have any knowledge of the operation of Task Force Barker?
- A. Yes, sir.
- Q. Did they have liaison personnel with you?
- A. Yes, sir. They made almost, if not daily, almost daily contact with my district, being that the base camp was located in my district.
- Q. The base camp you're referring to is Landing Zone Dottie?
- A. Yes, sir.
- Q. Were you familiar with their operation into the Son My area or the My Lai (4) area in the middle of March, 16 March?
- A. No, sir. This was out of my district.
- Q. Yes, I understand that. It's in Son Tinh District.
- A. I had heard that they were in pursuit of the 48th Battalion, VC Battalion. Yes, sir.

Q. How close were you to the people down at Son Tinh District?

A. Real close, sir. Colonel GAVIN, well, Major GAVIN at the time, was a close friend of mine.

Q. How about the other members of the staff down there? How about Captain RODRIGUEZ, for example?

A. Yes, sir. I knew Captain RODRIGUEZ.

Q. Who were the other officers they had on the staff there?

A. Captain RODRIGUEZ was the only officer on the staff. I believe they had a lieutenant that came in to work in intelligence. I didn't have much contact with him, sir.

Q. Who was he? Can you describe him?

A. No, sir. I knew that they had gotten one at the same time I had gotten one. You know we were in the process of setting up--

Q. (Interposing) These DIOCC's?

A. Yes, sir.

Q. Did Major GAVIN or Captain RODRIGUEZ ever make you aware of a memorandum that the district chief was sending to the province chief concerning some unusual activities in Son Tinh District and specifically in the Son My Village?

A. No, sir. He did not.

Q. Did Captain RODRIGUEZ ever show you a statement or a memorandum which he prepared based upon information which he had received?

A. Not that I can recall, sir.

Q. Did you ever see any VC propaganda which may have indicated that something unusual took place in that area or in the Batangan Peninsula around along about the middle of March?

A. Yes, sir, I sure did. I saw some intelligence reports that indicated that the 48th Battalion was operating within that general area at this particular time. I don't know if you're aware, but the 48th was the battalion that overran me, and after this time I kept a pretty close eye on any information coming from the 48th Battalion.

Q. They overran you at Binh Son?

A. Yes, sir, on 3 December. They completely took my district headquarters.

Q. Where you were?

A. I was in a tower, sir.

Q. They obviously didn't get you.

A. No, sir, but I lost my deputy.

Q. Is that right. Who was that?

A. Captain VALENTINE. I lost about 65 Vietnamese defenders and all my team. We held out in the tower for five and a half hours, so I was quite interested in the 48th Battalion.

Q. Well, I can certainly see your point. My question, however, was whether or not you had ever seen any VC propaganda along about that time which might have highlighted something unusual taking place out to the east of you.

A. No, sir. I did not.

Q. I have here, Major WILLOUGHBY, an Exhibit, R-1, which has as a part of it a bit of VC propaganda which I would like to show you to see if you've ever seen anything along this line. Well, we can spend quite a bit of time reading that first page, but--

A. (Interposing) Well, there was a lot of this type of information floating around, sir.

Q. Look at the top of the second page and instead of the normal Communist dialectic, it gets down to some specifics, particularly in the second paragraph.

A. I've never seen this before.

Q. Well, I could show you some more that provide more specifics, but if you haven't seen that or you don't recall any propaganda which provides that kind, I'd probably be wasting your time and ours too.

A. No, sir. I don't recall seeing anything mentioning anything specifically on the Son Tinh District at that particular time.

Q. Well, just put your thinking cap on a minute now. This is Son Tinh District, and this is Son My Village, but you will notice in here that they're using some different names, and their propaganda did use different villages, from what we know them on the map. Did you ever hear anything concerning a place called Tu Cung? T-U C-U-N-G. Or concerning Co Luy? C-O L-U-Y. Or Xam Go? X-A-M G-O. Or Xam Lam. X-A-M L-A-M.

A. Xam Lam, the name is familiar.

Q. Yes?

A. But I can't recall any specifics, sir.

Q. In your headquarters, your district, and in your relation with your U.S. contemporaries and your ARVN-GVN counterpart, did you ever hear anything which would make you suspect that something unusual might have happened out to the east of you in the middle of March?

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A. No, sir. I did not. I might add that my district chief spoke almost perfect English and we had good rapport. When this thing first came to light, I wondered about the truth of it because of the fact that he usually kept me pretty well informed of anything that was happening within the province and no mention was made of this at all.

Q. Mr. MACCRATE?

MR MACCRATE: You say when this first came to light during 1969. Is that what you're referring to?

A. No, sir. I meant when it hit the newspaper. In fact the first that I'd heard of it was when I read it in the Washington paper. That was the first knowledge I had had of anything taking place.

Q. Since it has come to public attention you have been in the United States?

A. At the Vietnam training center, sir.

Q. Do you recall if then Major GAVIN was absent from Son Tinh District for a part of the period in the spring of 1968, just prior to the time that you had the change in duty?

A. Yes, sir. He was. He went home on leave, extended for 6 months, came back.

Q. Can you place that in time?

A. It was after the first of the year.

Q. Tet of course was--

A. (Interposing) It was after Tet. He was there for Tet. It was somewhere between February or March. I think it was in February, I'm not sure. I couldn't be positive of that.

Q. Do you think he was back by April?

A. Yes, sir. I believe he was. He was back by Easter, whenever Easter fell that year.

Q. Do you recall he was back by Easter because there was some celebration?

A. Yes, sir. I remember when he came back. I think he got married while he was home on leave and we were teasing him about it. He used to come by my district quite often, but I can't picture when--I knew he was there for Tet and he was back by Easter, so sometime in that time range because I left after Easter. I might add that I knew Colonel BARKER quite well too. He was one hell of a fine officer.

Q. Did you have any knowledge of the planning of this particular operation? You say you had almost daily contact with LZ Dottie and I imagine you saw Colonel BARKER quite frequently, did you not?

A. Yes, sir. I knew that they were hunting the 48th and after intelligence to go in and get this battalion. Like I said, I was quite interested in the 48th Battalion also because they operated up in the length of the Batangan Peninsula. But on this particular operation, he coordinated this with Son Tinh District because it was out of my district. Had it been in my district, he'd have coordinated with my district headquarters. This is the way he operated. I--

Q. (Interposing) Did you ever talk to him about the kind of operation he was going to conduct against the 48th?

A. Yes, sir. He conducted several in my district, and on all the operations, he always was stressing the care of civilians I think. That's the reason I can't understand him conducting an operation like this, allowing an operation like this to happen. He's pulled back off of several operations there to let the civilians come out.

Q. Did it make any difference whether these civilians were in GVN controlled area or out in VC area?

A. No, sir. He went into the athletic field, this is a highly mined area, and it's pretty far into VC area, and took civilians out of there. Same way with the Batangan Peninsula operation.

Q. Did you ever travel around with him when he was commanding his troops?

A. Yes, sir.

Q. How did he command them?

A. Well, sir, very well. He was--

Q. (Interposing) From the aircraft or did he go down to see his companies on the ground?

A. He went down and visited his companies on the ground. He was almost, I said almost, I'll use the term not being disrespectful, but almost foolhardy. He would put his chopper down on the ground during these type of operations. I've seen him actually go down while receiving fire and go down and support the troops right on the ground. I cannot see him, if something like this did take place, I cannot see him covering up for something like this. That's the type of officer that he was. I feel he was.

Q. What was your evaluation of his S3, Major CALHOUN?

A. Real fine. He was always making liaison trips, always wondering what we were doing on the advisory team. He would come in with Colonel BARKER. Sometimes he'd come in on his own, good officer.

Q. What seemed to be the division of labor with Colonel BARKER. Were there certain things that Colonel BARKER seemed to expect Major CALHOUN to do?

A. Major CALHOUN, when he came in, was interested in order of battle type of intelligence that we picked up. He was more interested in where the enemy was, which as S3 is what he should have been interested in.

Colonel BARKER kept trying to find out what we were doing in the pacification area and what we were going to do around this base camp to stop the mining of Highway 1. These were the kind of questions he would pose to me in a friendly way. He'd say, "God dammit, WILLOUGHBY, when are you gonna get those Charlies off that highway? Why don't you take 'em down some food to keep 'em fat so they won't get hungry?" And chew at me like this. This is the kind of statements he would say.

Q. Would you say that Major CALHOUN or Colonel BARKER kept closer to the men in the field?

A. I would say that Colonel BARKER kept closer to the men in the field. Major CALHOUN was tied to the operational side of it because he was usually found at the operation center there at the base camp or in the command chopper, unless he was with Colonel BARKER at the time. Whenever Colonel BARKER's men operated in the field, Colonel BARKER was usually close by.

IO: Well, Major WILLOUGHBY, you've added a little bit to our investigation. I recognize that you were well out of this district of Son Tinh, but the relationships which you have indicated have been somewhat helpful. If by chance anything does come to mind that you recall from a discussion with somebody, or something you've seen or heard, we wish you'd get in touch with this group so we can take advantage of your information. Also, if you can think of any kind of documentation or material that would be helpful to us, we'd appreciate knowing about that.

A. Have you talked to Colonel GUINN?

Q. Yes, we've talked to Colonel GUINN, and we've talked to Colonel GAVIN. We have some other people we want to talk to. We've talked to quite a group of them in province headquarters and throughout the command, as a matter of fact.

A. Bob RESSEGUIE was my civilian and he spoke Vietnamese like a native. I believe he's at Cornell now.

He's out of the State Department, but if anyone would have gotten the Vietnamese people at that time--of course he would have mentioned it to me, and he never mentioned it to me, so I don't know.

Q. How do you spell his name?

MR MACCRATE: Is that R-E-S-S-E-Q-U-I-E?

A. That's close. RESSEQUIE. Robert RESSEGUIE. He's at Cornell. He spoke Vietnamese quite well and he spent a lot of time out at the Batangan Peninsula with the refugees when we moved them there. I don't know, sir, I can't picture this.

IO: Well, that's what we're trying to. That's our job.

A. I've been over there twice and I can't picture American--

Q. (Interposing) We'll give you this opportunity to ask any question that you'd like to or if you'd like to make any statement that you'd like to enter into the record.

A. Well, I'd like to make one statement. I worked with the Americal Division and General KOSTER and General YOUNG. I worked with Colonel BARKER and I thought that they had some fine troops. They were some of the best combat troops that I've seen in the field. I'm not saying that because this happened. I don't know if it did. I just say that I never saw any mistreatment by these troops while I was over there the year that I put in that area. That's about it.

IO: The hearing will recess at this time.

(The hearing recessed at 1615 hours, 16 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: CROMWELL, Stewart D. LTC

DATE OF TESTIMONY: 21 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Deputy Senior Advisor,
2d ARVN Division.

1. WORKINGS OF THE DIVISION ADVISOR UNIT.

The witness testified that while he served as deputy senior advisor to the 2d ARVN Division, Colonels ULSAKER and HUTTER served as senior advisor, the latter replacing the former about 1 April 1968 (pgs. 2,6). He noted that province advisors lost their responsibility to division and became responsible to CORDS around the first of March 1968 which caused some strained relationships between province advisors and the division (pg. 5). The witness noted that when HUTTER replaced ULSAKER he did not develop good relations initially with Colonel TOAN, the division commander (pg.6). The witness further explained that the only liaison officer was between the 2d ARVN Division and the Americal Division; there was none with sector. This liaison officer would brief each division on the activities of the other (pgs. 8, 9). The witness noted that Colonel ULSAKER had a close relationship with General KOSTER and opined that had the incident here come to ULSAKER's attention through ARVN sources he would have turned to KOSTER (pg. 24).

2. RECALL OF THE INCIDENT AT MY LAI.

During the spring of 1968 the witness stated he recalled six to eight operations involving Task Force Barker, but no particular one (pgs. 3, 4). He recalled nothing of an operation of the magnitude with which we are concerned (pg. 10), nor of any reports--Vietnamese, ARVN, or U.S.--about any atrocities on the part of U.S. forces (pgs. 11-24). The witness asserted that he had spoken with no one about the

operation in question (pgs. 12, 21), and had never heard Lieutenant Colonel GUINN mention it in any of his rare appearances at 2d ARVN briefings (pg. 15). Further, he stated that he could recall no meetings in particular between U.S. and ARVN personnel about the time of the operation in issue (pgs. 15, 16).

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(The hearing reconvened at 1438 hours, 21 January 1970.)

MR MACCRATE: The hearing will come to order.

RCDR: The following persons are present: MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

The next witness is Lieutenant Colonel Stewart D. CROMWELL.

(LTC CROMWELL was called as a witness, was sworn and testified as follows:)

Colonel CROMWELL, for the record, will you please state your full name, grade, Social Security number, organization, and station?

A. Stewart D. CROMWELL, Lieutenant Colonel, Social Security number . I am the commanding officer of the Armed Forces Examining and Entrance Station in Cincinnati, Ohio.

COL ARMSTRONG: Colonel CROMWELL, have you read and do you understand the instructions that were given you in the outer room?

A. Yes, sir. I have.

Q. Do you understand them?

A. Yes, sir.

Q. I would like to point out that we direct all military members appearing before this hearing that they will not discuss any of their testimony with anyone else, unless they're required to before some administrative, judicial, or legislative body. In that respect, I point out that the House Armed Services subcommittee is investigating this matter and you may be called before them. If you are, anything that you discussed here is perfectly all right and will not affect in any way anything that you discuss there. Also have you by any chance been cited by the military judge in the trial of--

A. (Interposing) No, sir. I have not.

Q. Well, in case you are, and any other courts-martial that may come out of these matters, you, of course, will testify

(CROMWELL)

as required. Anything you say here has nothing to do with that. Mr. MACCRATE is a civilian attorney and has graciously volunteered to assist the Secretary of the Army in this investigation, and as such he also provides legal counsel and advice to General PEERS. I have been designated by the Chief of Staff to assist General PEERS as he may see fit, and that's why we're here. Mr. MACCRATE will probably conduct most of the questioning, but I may also ask you questions from time to time.

A. I understand, sir.

MR MACCRATE: While we're proceeding, Colonel CROMWELL, General PEERS may return. He has stepped out momentarily.

Would you state your duty assignment in March 1968?

A. I was the deputy senior advisor to the 2d ARVN Division in Quang Ngai Province.

Q. For what period did you occupy that position?

A. I was in the job for about one year, sir. I arrived there in June 1967 and departed June of 1968.

Q. Who succeeded you in that position? I think we probably have it.

A. I can describe the man, sir, but I just can't put my finger on his name.

Q. Well, we can come back to that if we have any question about it. Now, it was during this period in March-April 1968 that Colonel ULSACKER was replaced by Colonel HUTTER?

A. Yes, sir.

Q. Do you remember that?

A. Yes, sir.

Q. And I would assume that you were somewhat the bridge man during that period?

A. Yes, sir.

Q. And you helped to provide some of the continuity to the advisory team of the 2d ARVN Division?

A. Yes, sir.

Q. Do you have any recollection of the operations of Task Force Barker during this time in the spring of 1968?

A. Yes, sir, to some limited extent. We, through the division headquarters, coordinated several operations with Task Force Barker, either through the division or directly with Colonel BARKER, depending on the size of the operation. Normally, the planning on this was conducted between the commander of either the division or the task force and the division commander, initially. Then, as the operation developed, the staff was brought into it. I, frankly, don't recall the number. I would say somewhere in the vicinity of six, seven, possibly eight during the spring of that year.

Q. Did you from time to time go up to LZ Dottie?

A. No. I don't recall ever being on that particular landing zone.

Q. Do you remember from time to time Colonel BARKER coming down and visiting the compound at Quang Ngai City?

A. Yes, sir. He came into the division headquarters there on several occasions.

Q. Do you have recollection at this time of the operation conducted by Task Force Barker into the eastern end of Son Tinh District, the Son My Village area in about the middle of March 1968?

A. No, sir. I don't. I was--

Q. (Interposing) Do you recall when you first learned of such an operation?

A. The first time this was really brought to my attention has been within the past year, since this thing has come to light.

Q. Well, now I'm not talking about what went on there in detail--

A. (Interposing) Yes, sir.

Q. I'm talking about the operation. You certainly must have known about the operation going on.

A. The overall operation--

Q. (Interposing) Five or six miles away from Quang Ngai City?

A. The overall operation, yes, sir. I remember about the time that the 2d ROK Marine Brigade was moved out, and Task Force Barker was placed in the area that they had pulled out of.

Q. That was generally the area to the north of Quang Ngai City?

A. Northeast.

Q. Yes, but there was a portion of the area extending up across Son Tinh District that was still the AO of the 2d ARVN Division, was it not?

A. A small area along the Song Tra Khuc, yes, sir.

Q. Do you recall that an AO extension was arranged for Task Force Barker to permit its operations in the Son My Village area?

A. I think this was done on more than one occasion, sir, but I couldn't really put my--

Q. (Interposing) Well, if you will look behind you, you have a large blowup map of the area just north of Quang Ngai City as you'll recognize (Exhibit MAP-1).

A. Yes, sir.

Q. Do you recall any arrangements being made with the 2d ARVN Division for an AO extension into the area that is colored orange on that map (indicating)?

A. Yes, sir. I do recall that they did at one time operate down as far as the Song Tra Khuc.

Q. Do you remember talk about operations in the Pinkville area, as I think it was sometimes referred to then?

A. Yes, sir.

Q. Now, there has been some indications that Colonel ULSACKER and Colonel HUTTER had somewhat different approaches to their relationship with Colonel TOAN. At least, when Colonel HUTTER came in, there was a necessary transition period. Could you describe for us, as you observed it, the relation of each of these officers to Colonel TOAN? Also, if you could give us some feel of the relation of the province senior advisor and his staff by just describing generally how you and the advisors with the 2d ARVN Division were functioning with the province advisory team?

A. All right, sir. Initially, when I arrived over there, the district and province advisors were under the division headquarters team. This was changed sometime early in 1968, at which time they then reported directly to their headquarters at Danang, under the CORDS system.

Q. Could you fix the time of that change? Remembering that Tet was--

A. (Interposing) Yes, sir.

Q. At the end of January 1968?

A. Yes, sir. Sir, I would say in February or around 2 March, but I'm not real clear on that, sir. During the time that Colonel ULSACKER was there the relationship among the advisors at both the provinces, both Son Tinh and Quang Ngai, were quite good. It's at that time the provinces were broken away from the division; there was some strained relationship between some of the senior advisors. It was felt that information was not being passed in both directions as well as it should be and it was put back to the fact that possibly it was because of this turnover. The relationship of Colonel ULSACKER with the division commander was good in most instances. They had problems occasionally, but things were able to be talked out without any great difficulty. Colonel ULSACKER was a pusher and he kept after the commander when he wanted something done. If he felt that the commander wasn't accepting what he was doing, he would pull back a little bit and wait a while and push in again. It was quite effective. I think he accomplished the things that he wanted done. At the time Colonel HUTTER came in the--

Q. (Interposing) Do you recall when that was?

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A. D-O-N-G, sir.

Q. Yes.

A. I couldn't give you his full name, sir.

Q. I think we have that name.

A. He departed for the Command and General Staff School at Leavenworth. An officer that I have not been able to remember was there about 3 weeks prior to my departure, a new chief of staff.

Q. All right. Do you remember the G2 of the division staff?

A. Again, sir, I remember the face. It would be a Major--

Q. (Interposing) Major PHO?

A. Major PHO, yes, sir.

Q. You had contact with him from time to time?

A. Yes, sir. We normally attended briefings every morning with him.

Q. His advisor, his counterpart, was Major EARLE? Is that correct?

A. At the time, yes, sir.

Q. What can you tell us about the relations between your advisory team and Colonel GUINN during this period?

A. There were a number of joint-type operations run between the district and portions of the division troops, primarily the 4th Regiment. The local and popular force and the ARVN battalions were used in various operations. At times, this was also tied to Americal Division units. Normally these were planned with the

commanders and advisors from the ARVN district forces and the Americal if they were involved. I think, as best I remember, there were no serious problems in these sessions. There was some differences of opinion in how fast these operations should go, but I think all was resolved before the operation started.

Q. When did you have your briefings at 2d ARVN Division?

A. Usually there was an advisor briefing at the division headquarters at 0800. That was followed normally about 0830 or 0845 by an ARVN briefing, the division commander's briefing.

Q. Who would attend the first advisors' briefing?

A. Usually the division staff advisors, most of the special staff officers, the liaison officer from the Americal Division, a representative for province, the various Air Force-Army aviation personnel who were working with us.

Q. Who was the representative from province? Would this vary from day to day?

A. It did. Normally it was the, what was known as the deputy senior advisor, the number two advisor up there. There were times when one of the majors were sent in; there were probably times when no representative came at all.

Q. Well, Colonel GUINN sometimes attended these briefings?

A. Yes, sir. He came in occasionally.

Q. Who was the liaison with the Americal Division during the spring of 1968?

A. There was a turnover during that period. Both were artillery officers. Both were captains. One had a German name, but I--

Q. (Interposing) What were the duties of the liaison with the division?

A. His mission was to work in our tactical operations center to assist the Americal in clearing any problems they were having in coordination with the ARVN operations. He made trips probably four, five, six times a week up to the Americal to bring any operation orders, this sort of thing. Each morning he briefed our staff on the previous day's operations from the Americal point of view and in return reported back to them on our operations.

Q. Who would brief your group as to the activities or operations of the 11th Brigade? Would that be from the division or from the brigade?

A. No. This would funnel through the Americal liaison officer. He would brief on all three brigade operations, plus anything else that was going on.

Q. We have not previously had this liaison function described to us. Just perchance, since I am very interested in learning about this, was there any comparable liaison with sector?

A. No, sir. Other than normal communication. There was no liaison officer from division with sector or a full-time sector man with division.

Q. Now, in connection with the operation of Task Force Barker into the AO extension in Son My Village area, do you have any recollection of the results of that operation, ever hearing about it, it's success or what was accomplished?

A. No, sir, I don't. It would probably have come to us as a part of a general briefing on all operations that day. I have no recollection of a specific operation by Task Force Barker or any of Task Forces Barker's.

Q. Actually, this operation consisted of two companies, C/1/20 coming into one landing zone west of My Lai (4) and B/4/3 coming into a second landing zone down to the south or southeast of that position. The two companies

moved in the course of the day towards the area to the northeast, beneath the Song Diem Diem and laagered there for the night. The operation continued the second day with a swing down to the south and out along the coast where you see Co Lay (1), Co Lay (2). That was unit of Bravo Company, and Charlie Company went as far south as My Khe (2) and then returned north and laagered at about the landing zone of Bravo Company on the preceeding day. Ultimately, Charlie Company was lifted out to the north of there, back up in the vicinity of Song Diem Diem. Meanwhile, you had A/3/1 in a blocking position on the north side of Song Diem Diem. Does that in any way refresh your recollection of this particular operation?

A. No, sir, it doesn't. I don't recall ever seeing either a plan or hearing of this particular operation.

Q. Do you have any recollection of the results of the operation? Actually the figures that were reported KIA were the largest one-day total in the history, to that time, of the 11th Brigade.

A. No, sir, I don't.

Q. Do you have any recollection, at all, of an operation of that magnitude being conducted in this period of time in that area?

A. Not this specific thing, sir. I do recall that a number were run in that area but--

Q. (Interposing) Well, quite frankly, there was nothing comparable to this, except this one operation. There were operations in the area, but so far as the reported results achieved, there was nothing comparable.

A. No, sir, I don't.

Q. Did you ever hear of a report being made by the district chief of Son Tinh District to the province chief of Quang Ngai with respect to what had taken place in Son My Village area around the middle of March in connection with an American operation?

A. No, sir. I don't.

Q. You ever remember hearing of a report having been made by the district chief to the province chief and this having come to the attention of Colonel TOAN and Colonel TOAN bringing it to the attention of the United States forces?

A. No, sir. I don't. As I recall, I have no recollection of it ever being discussed in my presence or having any of my staff people inform me of it.

Q. Maybe we can refresh your recollection, Colonel CROMWELL. I would like for you to look at Exhibit M-34.

A. All right, sir.

(Witness examines document.)

No, sir.

Q. Do you ever recall hearing of a report from the Son My Village chief to the district chief of Son Tinh District, as is referred to in Exhibit M-34?

A. No, sir. I haven't.

Q. You have any recollection of hearing of this communication from Lieutenant TAN to Colonel KHIEN?

A. No, sir. I have not.

Q. You will notice that copies of this report--Vietnamese is beneath the English translation--went to 2d ARVN Division headquarters and also to MACV, Quang Ngai Sector. Who would MACV, Quang Ngai Sector be?

A. The sector is the old name for the province staffs.

Q. This would be Colonel GUINN, would it not?

A. Possibly their tactical operations center, but I couldn't really say, sir.

(CROMWELL)

Q. Well, he was the senior military man at province, was he not?

A. Yes, sir.

Q. You have no recollection of this being brought to your attention at any time?

A. No, sir. I have not.

Q. Would it surprise you if this were brought to the attention of your staff and you would not know about it?

A. I think it would be very unlikely.

Q. Would it surprise you if this were mentioned in one of your morning briefings and you did not know about it?

A. It's possible, sir, but I don't feel that it had been.

Q. I'd like now to show you Exhibit M-36, which is a memorandum from Major PHO to the commanding general of the 2d ARVN Division, dated 12 April 1968. You will note that the Vietnamese is beneath the English translation and contains a handwritten notation, which the now General TOAN has indentified as his handwritten notation. You will find an English translation of that notation appearing to the lower left of the English translation.

A. All right, sir.

(Witness examines the document.)

Q. Do you ever recall hearing of such a report having been made to Colonel TOAN?

A. No, sir. I don't.

Q. Or of the action being taken that is reflected in Colonel TOAN's note appearing on M-36?

A. No, sir. I don't.

Q. Colonel CROMWELL, I show you Exhibit M-32, which is a message from Colonel DONG, chief of staff, who would be your counterpart, I believe, directed to Quang Ngai Sector. You will note that the Vietnamese again appears beneath the English translation.

(Witness examines document.)

Did your counterpart Colonel DONG ever discuss this directive with you?

A. No, sir.

Q. In Exhibit M-36 one of the inclosures referred to by Major PHO in his memorandum to Colonel TOAN was a piece of VC propaganda which would appear was picked up from a broadcast. I would like you to read that and inquire if you ever recall hearing of that particular piece of VC propaganda?

(Witness examines document as requested.)

You will note that the material appearing on the first page and up to the top of the second page is very similar to the generalized kind of VC propaganda. As you come to the second page, the second paragraph, you will note that the information becomes much more specific. You ever remember hearing about that prior to this time?

A. No, sir.

Q. You ever remember Colonel DONG or Colonel TOAN speaking to you about this?

A. No, sir. I don't.

Q. Wouldn't it be highly unusual for your counterpart to bring this to the attention of other U.S. personnel and not inform you of what was going on?

A. Yes, sir, I would say it would. Normally we were together a good part of each day. Most every thing

from the logistical to the operational things were discussed.

Q. This concerns American forces, too?

A. Yes, sir.

Q. You're quite sure that this doesn't ring any bells at all? Your mind is a complete blank about this?

A. Sir, I don't recall this at all.

Q. Well, don't you remember General TOAN, or then Colonel TOAN, meeting and talking to General KOSTER about this at this time?

A. General KOSTER visited the division probably two or three times a week, sir. I was seldom present during these meetings. They were confined only to the two commanders and the senior advisors.

Q. Well, now, this is right in the period of transition. Colonel HUTTER has just arrived on the scene.

A. Yes, sir.

Q. You were the one that Colonel TOAN is acquainted with. You were the one that is the bridge at this time of changeover. Would that equally hold during this particular period when a visit was being arranged either by General YOUNG or General KOSTER, or Colonel HENDERSON?

A. Yes, sir. This was quite true, sir. I seldom attended these meetings unless the staff was called in, even during the transition period. Colonel TOAN and the American commanders were acquainted with each other. At the time of the turnover I was not requested by either Colonel ULSACKER or Colonel HUTTER to attend the meetings. Normally, when I did attend these functions, it was when the operations officers and intelligence officers were also present.

Q. When Colonel HENDERSON or someone from division came down to see Colonel TOAN, I assume you would be advised that they were coming in and asked to get a jeep out to the landing pad?

A. Yes, normally. It would come into the TOC. If the Americal liaison officer was not there with his vehicle, then we would send someone out.

Q. You have no recollection of any meetings which you arranged or knew of the arrangements for at this time of General KOSTER or General YOUNG or Colonel HENDERSON with Colonel TOAN?

A. These were frequent, sir, any particular one, no. We had usually one of the Americal commanders in the area almost every day, either a battalion commander, brigade commander, or someone from the division staff, or the division commander himself.

Q. I'd like you to think very hard about your briefing sessions back around this time, and think about a report being made at one of your briefing sessions by Colonel GUINN regarding this operation?

A. No, sir. I can remember him being in attendance probably, during the period I was there, not over four or five times, but as far as a report on an operation, I don't recall.

Q. I gather from what you say that it was a bit of an event if he did attend?

A. Yes, sir.

Q. And it would be even more of an event if the subject of his briefing, in coming to your meeting, was to tell you about a report that had been made from the district chief to the province chief, which he had received?

A. Normally, when there were problems, Colonel GUINN, regardless of the time of day come directly to the senior advisor's office. It wouldn't seem to me that

something like this would be covered in a briefing in the morning and not taken straight to the senior advisor. Most operations were set up with the senior advisor and the commanders involved. Normally, our morning briefing were things that were in progress, not things coming up. We had security problems in the area and--

Q. (Interposing) Well, do you have any recollection of such a thing occurring perhaps in a special briefing session with a more limited group present?

A. No, sir. I don't.

Q. Isn't it very surprising that your team G2 advisor would talk to his counterpart about something that you were completely ignorant of? Something of this importance?

A. Yes, sir.

Q. Major EARLE remembers talking to Major PHO about this. But you have absolutely no recollection. Think hard, please, because this is important. There is a further development of this story, and other people are involved. This information was passed along and it frankly defies belief that you were not in some way brought in and given the information. Now, under all the circumstances of the time, it's quite understandable that other things may have been front and center on a particular day, but we do want you to think very hard, because we're trying to piece this together. We've got an awful lot of the story, and I have not been addressing my questions to you out of speculation. This is a subject matter that came to the attention of people, and there is a further examination of it. I'm very anxious for you to pause and think. This goes back, as we realize, for a period of 22 months, but we have enough of the pieces together that we would find it very striking and very surprising if somewhere along the way you were not told at least a part of this.

A. I have given this a lot of thought, sir, since I was called last week.

Q. I don't think you had the benefit of some of the things that I've been showing you this afternoon.

A. No, sir. But I have tried to go back over everything that I can recall through that period, and with the specific questions you have asked me, I do not recall this being brought to my attention.

Q. Well, do you have any recollection of hearing that an investigation had been directed by the Americal Division of this incident?

A. No, sir. No, sir, I have no knowledge of it.

Q. You have any recollection of Colonel HENDERSON coming and seeking information from your team in this regard?

A. No, sir. Colonel HENDERSON visited us on several occasions. I do not recall other than his coordination on the operations that were being set up.

Q. I show you Exhibit M-30 which is a statement dated 14 April 1968. You will find a more legible copy underneath.

(Witness examines document.)

Do you recall Captain Angel RODRIGUEZ, who was the assistant district advisor at Son Tinh?

A. No, sir, I don't.

Q. Do you remember who the district advisor at Son Tinh was?

A. I don't recall his name. He was a major who extended his tour, and I think about that time was promoted to lieutenant colonel. He was an artillery officer and--

Q. Major GAVIN. Was that his name?

A. Yes, sir.

Q. Now Lieutenant Colonel GAVIN?

A. Yes, sir.

Q. Do you remember his assistant, a Captain RODRIGUEZ?

A. No, sir. I do not.

Q. Do you have any recollection of seeing this statement of 14 April 1968, before today or hearing about it, or hearing about its preparation from Colonel GUINN or from any member of your staff?

A. No, sir. No sir, I do not recall.

Q. Colonel CROMWELL, I now show you Exhibit R-1, which is a report of investigation dated 24 April 1968. You will note that it has two inclosures. I'd like you to examine the document and ask you if that in any way refreshes your recollection as to your knowledge of events regarding an investigation in April of 1968?

(Witness examines document.)

A. The second inclosure is this--

Q. (Interposing) A piece of VC propaganda.

A. Is this similar to the one that we examined before?

Q. If you look again at the top of the second page you'll find the factual paragraph or the specificity there. Actually, the two translations differ somewhat in text but there is the same general arrangement of the matter and the same location of the paragraph with the specifics in it. In the covering report of the investigation of 24 April, I would like particularly to call your attention to the sentence, "This message was given to this headquarters by the commanding Officer, 2d ARVN Division on or about 17 April 1968 as a matter of information." Does any part of this Exhibit R-1, with the specific reference in the 24 April report, in any way refresh your recollection of what was furnished to Colonel HENDERSON in April of 1968?

A. No, sir.

Q. Did you know Colonel BLACKLEDGE?

A. No, sir. I don't know the man's name or face at this moment.

Q. You recall the members of Colonel HENDERSON's staff in the 11th Brigade? Do you remember any of his staff personnel, senior staff?

A. I remember an S1. I remember meeting his S3, but I recall nothing about their appearance or their names right now.

Q. Do you recall that the S3 was Colonel MCKNIGHT?

A. Colonel MCKNIGHT; I couldn't tie the two together, sir.

Q. Can you recall that his S2 was Colonel BLACKLEDGE?

A. No, sir. I don't.

Q. You have no recollection of any dealings with him at any time?

A. No, sir. I believe that I made one trip down to the 11th Brigade headquarters and we visited with S1. The remainder of the people were, I believe, on an operation at that time. They may have been in the division headquarters, but I don't recall names or faces.

Q. Colonel CROMWELL, I show you Exhibit M-35 and ask you if you have ever seen it or a comparable piece of VC propaganda?

(Witness examines document.)

A. No, sir. I don't recall seeing it.

Q. Did you ever hear the ARVN were conducting an investigation with respect to what had taken place in an operation in Son My Village in March of 1968?

(Witness shakes head in the negative.)

What day in June did you actually leave your post at 2d ARVN Division?

A. I departed from Vietnam in June, sir. I believe I was in Saigon out processing for 3 days, sir. Backing off from 1 June, I'd say I probably left, and I did spend a full day in Danang, I would say I left probably 24 or 25 May.

Q. After returning to the United States, did you at any time receive inquiries or discuss with anyone what had occurred in the Son My area in March of 1968?

A. No, sir.

Q. Have you in the course of the recent weeks, since this matter became a subject of public discussion and in the news media, have you had any conversations with people associated with the 2d ARVN Division or members of the advisory teams or any of province or districts teams or any one in the Americal Division and its various units?

A. No, sir. I'm in rather isolated assignment right now in the city of Cincinnati, and I have no contact with former team members or any other people. I exchange Christmas cards normally with Colonel ULSACKER and some of the other people that I knew for some period of time, but other than that, I don't recall having seen anyone from my tour of duty over there.

Q. Have you any explanation how all of these things could have been going on right in your immediate presence in March and April of 1968 and your having, today, no recollection of any of this?

A. Sir, I would give you the facts if I could, but I do not recall a discussion on any of these things. There may have been briefings on it, but it did not strike me and I do not recall. I do not recall discussing it with either my ARVN counterpart or any of the people of the division staff on this.

Q. Any recollection of a discussion with Colonel GUINN?

A. No, sir. I don't.

Q. Or Major EARLE?

A. No, sir. I don't.

Q. Colonel ULSAKER or Colonel HUTTER?

A. No, sir.

Q. You have no recollection of any rumors or any suggestions that something unusual had gone on in Son My Village in March of 1968?

A. Sir, I have no recollection of any specific thing.

Q. No--

A. (Interposing) It may have passed in discussion, but I don't remember it.

Q. No suspicions aroused, no recollection of disparity of body count and weapons: 128 kills, 3 weapons recovered?

A. Yes, sir. I remember discussions along this line but not a specific instance. I think this came up, and a comment was made almost every time a report was given on this, regardless of where the area was.

Q. Do you have any recollection of this in relation to the operations of Task Force Barker?

A. No, sir. I really don't remember a specific instance.

Q. If such information was provided to the ARVN division, by whom would it normally be provided?

A. To us from the ARVN division?

Q. No. If the figures with respect to an American operation were to be sought by someone in the ARVN division, and in order to advise Colonel TOAN as to what had gone on, what would be the channel through which that information would be sought

A. It would normally be from the commander to the senior Army advisor.

Q. To whom would the senior Army advisor turn?

A. Probably to the G3 or the operations officer in the TOC.

Q. And you would be by-passed?

A. On this, I'm certain I would on this, sir.

COL ARMSTRONG: What was your relationship with Colonel ULSACKER?

A. I was his deputy.

Q. No, I mean how close was your relationship? You were there almost the same period of time?

A. About 10 months together, sir.

Q. Was he close to you and were you his confidant? You were his immediate deputy; were you his buddy?

A. Well, I don't think there was ever any real close relationship, sir. My office was right next to his, such as it was. Most of logistical and administrative work that I did I passed through him for his approval. We were not enemies or any of this sort of thing, but I certainly don't consider we were the closest of friends.

Q. He didn't keep you in his confidence?

A. Well, yes, sir. I would say that during most of the time I was there information was passed back and forth between us.

Q. I appreciate that you felt it was necessary to keep him advised, not on all details but it was--

A. (Interposing) May I, sir?

Q. Yes.

A. Our operation over there was generally for me to handle most of the MACV administrative and logistical problems and to keep him informed on the running of the compound. I

devoted considerable time to this type of work, keeping the details out of his way. He spent a great part of his time with Colonel TOAN. When he was not with the colonel he was visiting his own advisory team in the field a great part of the time. Normally, I would keep him informed of the administrative and logistical and personnel problems when he returned at the end of the day. As he put it to me, my principal duty would be to keep the details off his back so that he could assist the commander in any thing that needed doing. This is what I attempted to do.

Q. Would you like to speculate on what your reaction would have been had you been informed in detail of what that American outfit did over there in the 2d ARVN Division AO?

A. My first action would have been to discuss it with either Colonel ULSACKER or Colonel HUTTER, whoever happened to be there at the time.

Q. Well, let's say they gave it to you, and said, "Gee, look at what BARKER did up there $\frac{1}{2}$ " What would have been your reaction?

A. At that point I would have discussed with him what he desired in the way of an investigation.

Q. No, I don't mean this, I mean what would be your personal, professional reaction to such a thing?

A. I would--

Q. (Interposing) Indignation?

A. Surprise, sir.

Q. "That outfit up there screwing up our mission"?

A. Surprise, I think, more than anything else, sir.

Q. Because you can realize this would undo--hell, this would undo years of work?

A. Yes, sir.

Q. You're an advisor, and nobody's discussed this with you since it broke in the papers?

A. Well--

Q. (Interposing) I mean official people?

A. My family I've--

Q. (Interposing) Yes, I understand that.

A. I've had no contact with any of the people other than an exchange of Christmas cards with some of the people I was over there with. I have seen none of them since I've come back.

Q. In your evaluation of Colonel ULSACKER, do you know him well enough to speculate on what his reaction would have been if he had known the details about this thing?

A. I believe he would have gone directly to Colonel TOAN and then to the division commander.

Q. You mean General KOSTER?

A. Yes, sir. Between General KOSTER and Colonel ULSACKER there was a close relationship. I know on several occasions that he asked for things from the Americal Division that we at the staff level had not been able to get and General KOSTER provided them to us. I think there was a very close relationship between them.

MR MACCRATE: What about after Colonel ULSACKER left?

A. Prior to Colonel ULSACKER leaving, Colonel HUTTER accompanied Colonel ULSACKER to the division headquarters where he met the people he should know up there. I don't recall any problems involving any of the training programs or anything we had going at that time due to the turnover of the two senior advisors.

Q. But I would assume that there was no longer the direct rapport that apparently had developed between Colonel ULSACKER and General KOSTER?

A. No, sir, I don't believe there was. I also believe by that time that our staff was more acquainted with their staff. Most of our operations and intelligence people knew most of their commanders and staff officers quite well.

Q. Then you dealt with Colonel PARSON?

A. I have talked with Colonel PARSON on several occasions. Yes, sir.

Q. With whom at Americal would you ordinarily deal?

A. Well, normally, I didn't, sir. It was done primarily by the senior Army advisor or at the 3 or 2 level. My normal contact with the Americal was when visitors were coming through, visiting one of the other units and they wanted to coordinate the activity there. Most of the operational matters were handled either with the commanders or with the S3's.

Q. Who was your 3 advisor?

A. James HANCOCK, Major. He departed prior to the time I left. He had sickness at home. His wife was in the hospital, so I would be guessing, sir, but I think he probably left in April or early May.

Q. It is my recollection that we've heard that, because of illness at home, he did leave about that time.

A. About 2 months ahead of me, sir. He was followed then by Major--a Captain SMITH, I believe, temporarily.

MR MACCRATE: Colonel CROMWELL, we have shown you a number of things this afternoon, if at any time after you leave us and you reflect upon these things and it begins to relate itself to something you had forgotten about, we would certainly hope that you would get in touch with this inquiry and let us know about it.

A. I will, sir.

Q. We are extremely anxious to get all the information that we can as we are putting this together. Do you at this time have any questions or you have any statement you'd like to make in the record?

A. No, sir. I don't.

MR MACCRATE: We will recess at this time.

(The hearing recessed at 1659 hours, 21 January 1970.)

FOR OFFICIAL USE ONLY

SUMMARY OF TESTIMONY

WITNESS: EARLE, Thomas B. MAJ

DATE OF TESTIMONY: 19 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G2 advisor to the 2d ARVN Division, Army, Republic of Vietnam.

1. EARLE's KNOWLEDGE OF CIVILIAN CASUALTIES DUE TO AMERICAN FORCES.

a. GUINN's briefing.

(1) Setting of the meeting.

At a round-robin briefing of the advisors to the 2d ARVN Division, GUINN stated that a VC leaflet had alleged that 500 Vietnamese civilians had been killed by American artillery in the Pinkville area (pgs. 5, 10, 11, 17). Probably present at this briefing held at the 2d ARVN Division Compound were the following: (1) Major HANCOCK, the G3 advisor; (2) Major DOSIER, the G1 advisor; (3) Major GRAY, the team adjutant; (4) Colonel CROMWELL, the team executive officer; and (5) Captain FREEMYRE, the assistant G2 advisor (pg. 26). Perhaps present were: (1) Major HACKING, the S3 advisor; (2) Captain LANE, the sector S2 advisor; (3) Major PARKER, part of the S3 team; and (4) Colonel GREEN (pg. 27). Although EARLE could not say that any of the above definitely attended, he knew of no reason why they would not have been there (pg. 27).

(2) Content of the briefing.

(a) Source of the leaflet.

GUINN did not say whether he had obtained the leaflet from his own or Vietnamese channels (pg. 28). He did not recall GUINN saying that he had received the

information from either the district or province chiefs (pg. 12). However, GUINN said that the leaflet came from Son Tinh District (pg. 17).

(b) Disposition of the leaflet.

EARLE never saw the leaflet (pg. 5). GUINN said he had sent it up through "his channels" which EARLE believed to be of CORDS or sector rather than those of the 2d ARVN Division (pgs. 5, 11, 17).

(c) Treatment of the allegation.

The allegation was attributed to VC propaganda (pg. 12), and GUINN did not seem to take the matter seriously (pg. 39). However, GUINN indicated that he was attempting to get additional information concerning it (pgs. 12, 27, 28). At one point in his testimony the witness declared that GUINN told the briefing he had asked the district advisor to obtain the additional information (pg. 12). At another point EARLE stated that GUINN did not mention from whom he was seeking the additional information, but that EARLE "assumed" it to be the Son Tinh District advisor (pg. 28). In any event, GUINN said he was awaiting additional reports (pg. 17). GUINN stated further that the Province chief had someone looking into it as well (pg. 9). GUINN did not ask those at the briefing if they could provide additional help (pg. 28). None of those present checked out how much American artillery had been fired on the 16th and EARLE did not feel obligated at the time to insure that the matter was being investigated (pgs. 29, 40, 43).

(d) Additional information concerning the briefing.

He believed something was said about an investigation, but did not remember what it was (pg. 12). Nor did he recall if GUINN mentioned a report from a census grievance team (pg. 34). Although GUINN lived at the same compound as EARLE, they never again discussed the subject after this briefing (pg. 38).

b. Discussion with Major PHO.

EARLE had respect for Major PHO, the 2d ARVN Division G2, with whom he enjoyed a good working relationship (pg. 4). EARLE admired PHO and considered him a highly

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competent intelligence officer (pg. 4). Because of this he had no idea why PHO did not show him TAN's letter to KHIEN if PHO had it available (pg. 10). EARLE discussed with PHO what he had heard at the briefing (pgs. 4, 5, 16, 33). PHO considered the allegation to be propaganda (pgs. 4, 5, 16, 33). However, EARLE admitted that this was inconsistent with what PHO wrote to the Chief of Staff and to Colonel TOAN, the commander, as seen in Exhibits M-32 and M-36 (pg. 16). EARLE heard something about an ARVN investigation, but did not remember what it was (pg. 33). It was his impression that the matter was treated as Viet Cong propaganda (pg. 33). EARLE did not remember recommending to PHO that the report be checked out (pg. 42). PHO never again discussed the matter with EARLE (pg. 37). He said nothing to EARLE about TOAN bringing this to the attention of the Americal Division (pg. 37).

c. Reports seen by EARLE.

The witness never saw the actual VC propaganda leaflet and did not know from where Colonel HENDERSON had obtained his copy (pgs. 15, 18, 20). He did not see a report from the Son My Village Chief to the Son Tinh District Chief (pg. 17). Nor did he see TOAN's directive to investigate (Exhibit M-32) (pg. 16). He had not previously seen the memo written by PHO (Exhibit M-36) (pg. 14). He heard nothing concerning the incident from a census grievance team, and never spoke to Major GAVIN or Captain RODRIGUEZ about it (pgs. 16, 28, 29). EARLE was never shown a copy of the memorandum sent to GUINN by GAVIN (Exhibit M-34) (pg. 34).

2. INFORMATION CONCERNING THE INCIDENT FROM OTHER SOURCES.

a. The body count.

EARLE recalled the mid-March operation by Task Force Barker in the Pinkville area, but did not remember the body count being very high (pgs. 7, 8, 13, 15). Weapons to body count ratios were discussed frequently, but the witness did not remember such a discussion in relation to this operation (pg. 8). Because he did not recall a high body count from this operation, he did not relate it to the VC propaganda (pg. 13). He did not remember reading about the body count in the Americal Division newspaper (pg. 30).

b. Rumors concerning the incident.

He heard nothing about people being rounded up and

shot by American soldiers (pg. 21). He knew of Colonel KHIEN's operation in June of 1968, but did not know its special purpose (pg. 31). There were joint staff meetings between the Vietnamese and the American advisors, but he did not recollect TOAN mentioning the affair (pg. 38). He was never told not to talk about it (pg. 35). He never saw KOSTER or YOUNG at the compound (pgs. 37, 38). In short, he never saw or heard anything to arouse his curiosity as to what may have happened in Son Tinh District (pg. 35).

3. OTHER INFORMATION.

a. Recent discussions with CALHOUN.

Prior to his appearance before the PEERS committee he spoke to Major CALHOUN about it (pgs. 3, 23). He knew at that time that CALHOUN was scheduled to appear before the committee (pg. 25). He told CALHOUN that he remembered the incident, but they did not discuss details (pgs. 23, 24).

b. EARLE's evaluation of his commanders.

When EARLE became G2 advisor his superior was Colonel ULSAKER who had a good working relationship with the Vietnamese (pg. 3). Colonel HUTTER, who replaced ULSAKER, was not as aggressive in proffering help to the Vietnamese, but, instead, waited until they sought assistance (pg. 4).

c. EARLE's R&R.

EARLE went to Hawaii in mid-March for R&R, but he could not recall the exact dates (pg. 9). He believed he returned in early April (pg. 33).

d. Miscellaneous.

EARLE knew nothing about a policy of burning Vietnamese villages (pg. 36).

EXHIBITS

[illegible]

SUMMARY OF RECALL TESTIMONY

WITNESS: EARLE, Thomas B. MAJ

DATE OF TESTIMONY: 26 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G2 Advisor to the
2d ARVN Division, Republic of Vietnam.

1. EARLE's KNOWLEDGE OF CIVILIAN CASUALTIES DUE TO
AMERICAN FORCES.

a. GUINN's briefing.

(1) Setting of the meeting.

There were no ARVN's at the meeting at which Lieutenant Colonel GUINN reported the allegation that Americans had killed 500 civilians (pg. 51). The only persons he positively recalled being present were GUINN and himself (pg. 54). It was possible that the executive officer, Colonel CROMWELL, was there, but the witness did not remember the presence of Colonel HUTTER (pg. 54).

(2) Content of the briefing.

GUINN said he had received a report through VC propaganda that Americans had killed 500 civilians (pg. 51). EARLE did not know whether GUINN got this information from the district chief or the district advisor, but he believed it was the latter (pg. 52). He felt certain that the advisor got his information from the district chief (pg. 52). However, EARLE could not remember seeing a copy of TAN's letter to KHIEN (pg. 52). He knew he was told about RODRIGUEZ's statement (Exhibit M-30), but he did not recall if he saw it (pg. 52). He could not recollect the name of any particular village in relation to the RODRIGUEZ document (pg. 53). He heard something

about a district chief's report (pg. 56). As EARLE understood GUINN, the district chief got his information from a leaflet. The witness did not know where the district chief obtained the leaflet (pg. 56). He rejected the possibility that in his recollection of events he was intermingling knowledge of the district chief's letter with knowledge of a VC propaganda leaflet (pgs. 57, 58). GUINN did not say anything about the action the Vietnamese were taking, nor did he say what KHIEN was doing (pgs. 55, 57). GUINN did not mention with whom at sector he was working on the matter, but the witness suggested that it was probably Captain LANE, the sector S2 (pg. 55). Though EARLE was friendly with LANE, they did not discuss the allegation (pg. 54).

(3) Treatment of the allegation.

Even though the general consensus of the meeting was that the allegation was merely propaganda, EARLE believed GUINN said he was forwarding it (pgs. 52, 55). The witness thought it was forwarded to the province advisor, but he did not know if it went through official channels (pg. 52). He assumed, however, that it was sent up through GUINN's channels (pg. 57). If it went through official channels it would have gone to Danang via CORDS channels or to the province advisor who would have forwarded the information (pg. 53). If GUINN had reported the information directly to the Americal Division, he would have informed the senior of the Quang Ngai advisory group that this had been done (pg. 53). EARLE recalled GUINN saying that he was seeking additional information (pg. 57). He did not know from whom GUINN planned to get the information (pg. 57). It might have been RODRIGUEZ (pg. 57). He did not recall if GUINN said what province or sector was doing about it (pg. 58). The witness did not recall discussing with HUTTER the things he had heard from GUINN (pgs. 46, 47).

b. Meeting with PHO.

The morning following this meeting EARLE discussed the allegation with PHO who believed it to be VC propaganda (pgs. 50, 58). PHO did not indicate that he had a copy of a letter from TAN to KHIEN, nor did PHO mention the source of his information (pg. 50). PHO did not show him any document relative to the incident (pg. 50). He did not recall PHO saying anything about the Son My Village Chief (pg. 50). PHO said nothing about artillery (pg. 59).

(EARLE)

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PHO did not indicate that he had the district chief's report as well as the propaganda leaflet, but mingled both together (pgs. 59, 60). PHO did not tell EARLE that he had suggested to both the chief of staff and the 2d ARVN Division CO that the matter be investigated by the province chief and the district chief (pg. 59). PHO did not say what he was recommending (pg. 51). PHO did not tell him that during one of KOSTER's trips to the ARVN Division PHO had taken TOAN a copy of the district chief's report (pg. 61). He never spoke to PHO about the allegation other than this one time (pg. 61). PHO was reluctant to criticize Americans or American units (pg. 58).

2. OTHER INFORMATION.

a. Setting of receipt of rumor about incident.

The witness stated that My Lai may have been overshadowed by other events as there were reports of forthcoming attacks (pg. 46).

b. Interception of the propaganda broadcast.

EARLE speculated that the copy of the VC propaganda broadcast given to the Americal Division by the 2d ARVN Division need not necessarily have gone through his office, but could have been given directly to HENDERSON (pg. 48). The translation could have been made at brigade or division (pg. 49). There were a variety of ways that the information could have been given to HENDERSON (pg. 49).

c. Visits by KOSTER to division.

Although KOSTER visited the 2d ARVN Division frequently, EARLE could not recall any particular visit within the time zone of the Americal investigation, and he was not privy to most meetings (pg. 60). Usually KOSTER, TOAN, and the advisory team chief met alone (pg. 60).

d. Discussion of incident with various individuals.

EARLE could have discussed the allegation with TREXLER, OWENS or BLACKLEDGE, but it is unlikely that he did so with HENDERSON (pg. 47).

e. Opening of road to Tien Phuoc.

Coincident with HUTTER's arrival in late April or early May they began opening the road to Thien Phuoc in order to give the people of the region access to government controlled areas (pgs. 62-64). (KOSTER and the Quang Tinh Province Chief wanted this done and the plan was to use 2d ARVN Division troops for the operation (pg. 62). The troops were provided initially, but had to be withdrawn because of fear of attack on Tam Ky (pg. 62). EARLE could not recall KOSTER visiting TOAN specifically for the purpose of discussing this operation (pg. 62).

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EXHIBITS

[illegible]

(The hearing reconvened at 1555 hours, 19 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG and MAJ LYNN.

Sir, the next witness is Major Thomas B. EARLE, Jr.

(MAJ EARLE was called as a witness, was sworn, and he testified as follows:)

Major EARLE, for the record, would you please state your full name, grade, Social Security number, organization and station.

A. Thomas B. EARLE, Jr., Major, Social Security number , ODCSINTEL, Headquarters, CONARC, Fort Monroe, Virginia.

IO: Major EARLE, have you had an opportunity to read the instructions which were provided you (Exhibit M-57)?

A. Yes, sir.

Q. Do you understand them or have any questions concerning them?

A. I understand, no questions.

Q. Major EARLE aside from myself here I have on my left Mr. Robert MACCRATE who is a civilian attorney. Mr. MACCRATE has volunteered his services to the Secretary of the Army to assist me in this investigation and also to provide legal counsel to me, and other members of the inquiry team. On my right, is Colonel ARMSTRONG, who has been designated by the Office of the Chief of Staff, as an assistant in this investigation. In addition to this particular group which will talk to you this afternoon, we have other teams, which are taking testimony from other witnesses. You should know however, that I will have the final responsibility for putting together the report, weighing the evidence, and making the findings and recommendations.

As a military member you are ordered not to discuss your testimony in this investigation with others, and more particularly, other witnesses for this investigation, except as you may be required to do so in official duty or as you may also be required to do so before

a competent administrative, judicial, or legislative body. Now with respect to legislative body, this could possibly include committees from the Congress, specifically, the investigation subcommittee of the House Armed Services Committee. Your testimony here would in no way preclude your appearance before those bodies. I do not believe you have been cited or notified by the military judge in the general court-martial case of the United States v. Calley, or any of the other general court-martial cases which are pending. Is that correct?

A. Yes, sir.

Q. I would only indicate if you ever are so notified, your testimony here would in no way change, either the effect, or applicability of those instructions. Do you have any questions at this time?

A. No, sir.

Q. Major EARLE, would you state what your duty assignment was on 16 March 1968.

A. Sir, I was the G2 advisor, to the 2d ARVN Division, Army Republic of Vietnam, headquartered at Quang Ngai City, in Quang Ngai Province, Vietnam.

Q. How long have you been in that capacity?

A. To the best of my knowledge, sir, I went there in October of 1967.

Q. How long did you stay in that job?

A. I left there, it was either the last part of June, or the first part of July of 1968.

Q. Where did you go from there?

A. To my present assignment, Headquarters, CONARC.

Q. Since the My Lai incident became a matter of public knowledge on the radio, television, and in the newspapers, 4 or 5 months ago, in September, October 1969, have you had any conversations with anybody from your advisory group, or from the Americal Division, concerning what might have transpired in the Son My area, or My Lai in the middle of March 1968?

A. Yes, sir. A good friend of mine of many years, Major CALHOUN, who was in the Americal Division at the same time I was in Vietnam works in the same building in which I work, there at Headquarters, CONARC. And he and I have discussed generally what was in the papers, and things like that concerning the incident.

Q. Did you go back and try to recollect things with him, or what did you do?

A. We just sort of discussed what happened, and tried to compare notes. I really don't recall the conversation we've had now, but we did discuss the incident.

Q. Would you describe your duties as the intelligence advisor to the G2, of the 2d ARVN Division?

A. Yes, sir. I advised the 2d ARVN G2 on intelligence matters, operational matters, intelligence reports, things of that nature. And I also sent in intelligence reports to First Corp, I Corp advisory group, and discussed intelligence matters with people in that office, from time to time.

Q. Your commander at that time, I believe, was Colonel ULSAKER, wasn't it?

A. Yes, sir.

Q. What was your relationship with him?

A. Well, sir, I also advised him on, or kept him appraised of enemy information that we obtained from the ARVN G2 people, from the sector people, things of that nature.

Q. Were you on a good working relationship with him, and what was his relationship with the Vietnamese?

A. They were outstanding. I had what I thought was good rapport and working relationships with the South Vietnamese.

Q. And who was his successor?

A. Colonel HUTTER.

Q. And how was his relationships with then, Colonel TOAN and members of the staff?

A. As far as I know, they were also very good, however Colonel HUTTER and Colonel ULSAKER had a little different method of operation and--

Q. (Interposing) What do you mean by that?

A. Well, sir, Colonel ULSAKER was in very close contact and coordination with General TOAN, daily, day and night. And, Colonel HUTTER seemed to want to break off this shadowing, you know, type operation, or being with him day and night, and elbow to elbow with him, you know, and all his visits and things of nature. He was one, to let them, more or less, go off on their own and just advise them when they sought his advice.

Q. Was there any conflict between Colonel HUTTER and Colonel TOAN during the early stages?

A. No, sir, not to my knowledge.

Q. And what was your relationship, with the G2 of the ARVN division, what was his name?

A. Major PHO, Pham Van PHO to be exact. I knew Major PHO very well, thought he was a very competent officer, a real outstanding man, and I have utmost respect and admiration for Major PHO. An outstanding man by any standard of measure.

Q. Do you think he was a highly competent intelligence officer, is that what you're saying?

A. Yes, sir. I think he was.

Q. Were you familiar with any reports, which may have been provided the division commander, or the intelligence officer, from the Son Tinh District, some time toward the end of March, or the first part of April?

A. Concerning this My Lai?

Q. Yes.

A. No, sir, I was not. However, I heard of an incident there, and I believe it to be the same one. I didn't hear it from him, though. In fact, I discussed what I heard with him and he just labeled it as VC propaganda, and that was about it.

Q. What did you hear?

A. Well, sir, I heard, I believe now, from Lieutenant Colonel GUINN, who was the sector advisor, during our daily morning briefing, that I believe people from his sector team, had heard that about 500 South Vietnamese were killed by artillery fire or that the Americal Americans had killed 500 South Vietnamese by artillery fire. And that was about the extent of--

Q. (Interposing) Did he tell you how he got his information?

A. I believe he said, someone had a leaflet, a VC leaflet or something of that nature.

Q. Did you ever see the leaflet?

A. No, sir, I didn't see it. He said he'd sent it on up through his channels.

Q. Being an old intelligence type I'd like to think curiosity alone would gain your interest.

A. Yes, sir, well it had. It was so absurd really. It just didn't ring true at all, and as I say, I inquired about it through Major PHO.

Q. What did Major PHO say about it?

A. He labeled it as VC propaganda.

Q. I have here a memorandum which is written by the district chief of Son Tinh, to the province chief of Quang Ngai, dated 28 March. I would ask if you ever--the Vietnamese version is directly underneath there. Incidentally, do you speak, read, or write, Vietnamese?

A. No, sir, I don't.

Q. I would like to know if you've ever seen this Vietnamese document which is Exhibit M-5, either the Vietnamese or the English version.

A. No, sir, I don't remember seeing these.

Q. The area which we're interested in, is this area which you see on the map to your rear, Major EARLE, which is

the Son My Village area, generally speaking. Actually, the AO goes about maybe 1,000 to 1,500 meters west of the village boundary. Although the U.S. maps show the name My Lai, if you'll notice on the map and also you'll notice on the coast, you'll see Co Lay. These are not the normally accepted terms which are used in the area. That which the arrow points to is My Lai (4), is actually the Tu Cung Hamlet. And generally along the coast, the coastal strip, if you'll notice where you see Co Lay (1), (2), and (3), this area is the area of Co Luy Hamlet. Do you ever recall seeing anything which used those terms? This was well known by Colonel GUINN and the other members that the Vietnamese and the VC version-- the terms that they used.

A. Yes, sir.

Q. Actually for your information, here is a diagram which outlines the village, and the hamlets, and sub-hamlets within the village. This may be helpful to you.

A. No, sir. I don't remember seeing anything about the area, concerning this incident. I know that was a VC controlled area and we had reports of units moving around, throughout that area, from time to time. And, I know we, meaning the 2d ARVN Division, had operations in that area from time to time. Sometimes they were successful in overpowering the enemy and sometimes they couldn't get into the area because of intense enemy activity. And I know this was definitely a Viet Cong controlled area, and had been for many, many, many years.

Q. Do you remember the name or designation, of the VC or NVA unit or units, that were located in there?

A. Yes, sir, there was a P-31 Platoon, I believe was in that area. There was the Viet Cong 48th Battalion, which is in my opinion, from what I've read and heard, before and since, probably one of the best Viet Cong units in Vietnam, South Vietnam. A real outstanding organization. Of course, they were beat up from time to time, and they could reconstitute their forces out of this area here, in a comparatively short period of time, because this was such a strong Viet Cong dominated area.

Q. Well, the strength of this battalion was estimated by various intelligence sources as 200 to 250. Is that a full strength battalion?

A. No, sir. Information that I received, had the strength close to 400 men. I know it went down to 250 at times, but they seemed to get it back up, right away.

Q. Do you recall what activity this battalion was involved in, during the Tet Offensive?

A. Yes, sir, they were involved in activity, I believe, directed toward a Vietnamese training center right across the river from Quang Ngai City, not too far from Son Tinh District headquarters.

Q. What happened to them?

A. Well, they overran this area that they were fighting in and then the South Vietnamese attacked this area and kind of depleted their forces. They took pretty heavy losses in that engagement.

Q. That's consistent with what we heard, that they killed over 100 of them in that particular operation.

A. Yes, sir, and they were back up to strength shortly after that too, I believe.

Q. We haven't anything to substantiate that. If you have I'd like to have it because we understood that it was so badly mauled during the Tet Offensive, that it in fact, initially withdrew back into the Pinkville area. But then, shortly thereafter, it proceeded to the mountains to the west for retraining, regrouping, and refitting. It stayed there until some time in the early part of March when it moved back into this area. This is what precipitated this operation, into the area.

A. Yes, sir. Well, this is the time frame that I'm speaking of. They were reconstituting their forces, and retraining, and getting back into shape, again. And there were a lot of guerrilla units in this entire area also, hamlet guerrilla units, village guerrilla units, and it was just a Viet Cong infested area, bottom to top.

Q. Do you recall the operation of Task Force Barker into this area, in mid-March?

A. Yes, sir, I remember the operation.

Q. Do you recall the body count?

A. I know to me it doesn't register at this time. It doesn't appear to be any significant number, or I probably would have remembered it, but I don't remember it being very high.

Q. I wonder why you don't remember it being very high because this is the biggest operation this outfit, or the 11th Brigade had been into since they arrived in country.

A. I know that there had been several other operations in that area there, and the body counts were comparatively high, and this one though, I don't remember as being very high.

Q. Well, just the first day of the operation alone, was 128 enemy KIA, 2 U.S. KIA and 3 weapons captured, 11 U.S. WIA. Do those figures ring a bell with you?

A. No, sir, they don't.

Q. Did you ever hear or recall any discussion then or at a later date, concerning the disparity between the body count of 128, and only 3 weapons captured?

A. Yes, I don't remember this particularly at the time but I do remember this being discussed at times, having a large body count or a body count. I won't necessarily call it large, but no weapons being captured, conversation of that nature. I remember other body counts though, that were--went 100, 150 and 200 category and I remember those because they were large, but I don't remember this--

Q. (Interposing) This one, it seems to me that you might have been absent. When did you go on R&R?

A. It was toward the last part of March.

Q. Precisely, when did you go on R&R?

A. I don't remember exactly, sir.

Q. Where did you go?

A. Went to Hawaii.

Q. Family come out?

A. Yes, sir.

Q. Are you sure, you don't remember the date?

A. No, sir, not specifically.

Q. Just think back now, a few minutes here. You had to make arrangements to get your wife there.

A. It was toward the last part of March. I don't remember the exact date. I don't remember right offhand. But, I do remember that this information about people being killed by artillery, happened, I believe, before I went on R&R.

Q. When did you come back from R&R?

A. Again, I don't remember the exact date, sir. I seems like I went and came back before the last part of March.

Q. You were back in province then in early April?

A. Yes, sir. Yes, I believe that's--

Q. (Interposing) Was your counterpart present at the time, the G2, Major PHO?

A. To the best of my memory, he was. I know he was gone for a period of time to school in Singapore. I don't recall whether it was during that period or not, I don't think it was.

Q. I have here, another memorandum which has been entered into the record as Exhibit M-34, from the district chief of Son Tinh District, to the province chief of Quang Ngai Province, dated 11 April. The Vietnamese version is attached here. I would ask if you've seen this document, either the Vietnamese or the English.

A. No, sir, I don't remember seeing this document. But I believe I heard Colonel GUINN mention something about this report.

Q. What did he say?

A. Maybe this wasn't, maybe it was the original information about the 500 people being killed, and the fact that the province chief had someone looking into the matter.

Q. Well, now I want you to look down at the bottom of that document, and notice who received copies of it. You'll notice that one of them went to the 2d ARVN Division headquarters, you'll also notice that one of them went to MACV, Quang Ngai sector. Who's MACV, Quang Ngai sector?

A. That was the sector operation there, Colonel GUINN and his staff.

Q. That's right. So for sure Colonel GUINN should have seen this, right?

A. Yes, sir.

Q. Now what about the 2d ARVN Division headquarters? You've indicated that you had excellent rapport with PHO.

A. Yes, sir.

Q. Do you expect that PHO would have shown this to you, if he had received it?

A. I don't know why he shouldn't have, not offhand.

Q. But you say you've never seen it?

A. No, sir, I don't remember seeing it.

Q. You might study this for a little while, and see some of those facts, and circumstances, and so forth, and see if it fixes in your mind.

A. No, sir, I don't remember seeing it.

Q. All right. Well just leave it there. Now, I'd like to go back again, to your discussion with Colonel GUINN. I'd like you to think about that for a minute. I want you to try to recollect, to the absolute best you can, exactly what GUINN told you concerning the events and concerning any investigation, reports, and so forth, of it.

A. Well, he didn't discuss it with me personally. It was at a briefing and we just sort of had a round robin type discussion and--

Q. (Interposing) Where?

A. In the Advisory Team 2 briefing room, briefing headquarters.

Q. In Quang Ngai, or your headquarters?

A. In the 2d ARVN Division compound.

Q. And he'd come out there to attend the briefings?

A. Yes, sir. He was there each morning at the briefings, he or his representative.

Q. Who were the other people present while this discussion was going on?

A. Well, sir, all the members of the team. All the officers on the team were there, for the most part.

Q. Was Colonel HUTTER there?

A. I don't remember, sir, whether he had replaced Colonel ULSAKER then or not. I don't--

Q. (Interposing) He replaced Colonel ULSAKER right around 1 April.

A. April, yes, sir. I don't believe he was there at that time.

Q. Well now, let's get down to specifics because I'd like to know, if not precisely what he said, at least to the best of your recollection what he said, or your impression of what he said.

A. Well, sir, he said, that something had come to his attention, I believe it was through a VC propaganda leaflet, that Americans had killed something like 500 people by artillery fire in this operation over in the Pinkville area.

Q. You sure, he said by artillery fire?

A. Yes, sir, I'm pretty sure it was by artillery fire. So he mentioned something, I believe he said, he sent that up through his channels, this information--

Q. (Interposing) Which meant what to you?

A. Go up through the CORDS or sector channels, not through the 2d ARVN Division channels. There was sort of two lines of communication there, reporting channels. And he also said, I believe, that he had asked this district advisor to see if he could find out any information. I believe he said that, I'm not sure. I really don't recall what action he said he was taking on the matter but I do remember that he brought up the subject. And I remember that some remarks were made there about 500 people being killed. Sort of a preposterous thing anyhow, and it was attributed to Viet Cong propaganda.

Q. Did he say anything about having received this information from the district chief, and the village chief of Son My?

A. He could have, sir. I would hesitate to say he didn't say, but he could have mentioned the report.

Q. Was there anything said about an investigation, either by U.S. or by ARVN, or by GVN. Just think of circumstances again, and try to place yourself back there and visualize what was being said, there.

A. I believe something was said sir, but I do not recall what was said at that time.

Q. Did he say anything about reporting this to the Americal Division or the brigade?

A. I don't remember, sir.

Q. Put on your thinking cap now--

A. (Interposing) I'm trying to recall--

Q. (Interposing) You're sitting at a very crucial point now. Remember this, that at this point, he's telling you that he has a report where 500 civilians were killed by artillery, which you can't very well pass off by just saying well, VC propaganda. It just doesn't happen that way. I

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know what VC propaganda looks like, and you do, too. You've been in this intelligence business, and yet you're telling me that this was passed off, and everybody accepts this as the gospel.

A. As Viet Cong propaganda, you mean.

Q. Yes, that this thing happened, and you knew that operation was in there.

A. Yes.

Q. And you should have known what the operation results were, either that or you were on a mental R&R because that was well known, by everybody.

A. Yes, sir. But, I don't recall all the facts and figures concerning this operation.

Q. Yes, but you don't even remember the fact that this was really, to be a successful operation, in the sense that, if the 48th Local Force Battalion had a strength of 200 or 250, these figures practically eliminated the battalion, 128 of them killed. No indication of the number wounded, which would be of high order. So nothing would amount to it, and yet this doesn't phase you. I can't follow you.

A. Yes, sir. But, there were a lot of guerrillas in this area also, other than the 48th Battalion.

Q. Well, I understand that.

A. Company, local force company, and also a platoon--

Q. (Interposing) There were two local force companies there, right?

A. Yes, sir, operated through out the area.

Q. We may come back to this again. But you never saw this or never heard anybody talk about this. Even though this went to the 2d ARVN Division, and you had such fine rapport with PHO. You didn't see this or anything else (Exhibit M-34).

A. I don't recall seeing it, sir.

Q. I have here another document, which is from Major Pham Van PHO G2, 2d ARVN Division, to the Colonel, CO, 2d ARVN Division, along with a marginal note, which was subsequently made by the division commander. This has been entered into the record, as Exhibit M-36. I would ask if you've ever seen this document.

A. No, I've never seen this one, either.

Q. I find this actually, just to be a little incomprehensible. On the one hand you tell me what fine rapport you have, and so forth, with PHO. The document that PHO was working on or working from, has already been made available to the U.S. advisory element, actually, both at sector and at district or subsector. And PHO knows this because he can read as well as you can and yet you're not made privy to either the memo from the district chief to the province chief which PHO received a copy of, or PHO's memo to Colonel TOAN.

A. Yes, sir.

Q. So, I have quite a bit of difficulty in trying to put all this together. I have the impression that you know a whole lot more than you're telling us, very frankly.

A. Sir, I'm trying to be as very helpful as I can, on this matter. I'd tell any and everything that I know, because I'm very concerned about the light this has cast the United States Army in, and I'll do anything that I can to help provide any information that I can.

Q. Yes, but every time we come down to something, you don't remember. Like you don't remember what GUINN said or you don't remember the discussion there, so these things are vitally important here--

A. (Interposing) Yes, sir.

Q. To that advisory group, with the 2d ARVN Division.

A. Yes. I would gladly provide anything, any information of which I'm knowledgeable concerning the matter.

Q. Just think again for a minute. See if you can stir up in the back of your mind a little more about this conversation there with GUINN and with this group that was there. Because, if we were are talking about something like this, certainly the people should also relate this back to this operation on this date, and again these figures of 128 and all this, should come right to the foreground.

A. I remember that we were, all the people there on the team that were involved in any type operations, were glad to see that the Americal Division was going into that area, because ARVN divisions had never been able to get in there before. And 48th Battalion just sort of seemed to have safe-haven in that area. All the other Viet Cong units were using that area for safe-haven or redoubt, so to speak. A lot of the operations were launched from that area. Surrounding villages, hamlets, we got mortared frequently from units that used that area there as a safe-haven. We were anxious to see them go in there and operate.

Q. That's all the more reason why your memory should be pretty good.

A. But I don't remember a large body count like that. I remember other operations in which they had large body counts, but I don't remember this specific one.

Q. Did you ever see any of that VC propaganda that is shown attached here as the first enclosure.

A. No, sir. I don't recall. I'm not saying I didn't, but I do not know.

Q. Well, look on the second page, look at that paragraph, the second paragraph from the top.

A. Yes, sir. What was your question again?

Q. My question was, whether you had ever seen anything, specifically in propaganda, that brought anything such as this to light.

A. No, sir.

Q. Did you ever hear of a report from a census grievance team concerning some activity, which may have taken place in this area?

A. No, sir. I don't remember hearing anything.

Q. I have here another document from the G2 tactical zone 12 to Quang Ngai Sector, signed off by Lieutenant Colonel Pham Cao DONG, chief of staff. I'd ask, if you ever saw that postal message. This has been entered into the record as, Exhibit M-32.

A. No, sir. I don't remember seeing any of these to tell the truth. I just don't remember seeing them.

Q. Doesn't it seem highly unlikely, unusual to you, with your rapport and with the close relationship between the advisory group in division, that when an allegation comes in concerning an American unit, that the U.S. advisory element is not even aware of it. And your counterpart is, in effect, the leading actor in the role in 2d ARVN Division headquarters and you say you have no knowledge of it, or anything?

A. I don't remember, sir. As I say, I remember mentioning or discussing this matter with Major PHO after Colonel GUINN mentioned it. He labeled it as VC propaganda.

Q. How could he? That's rather inconsistent with what PHO wrote to the chief of staff, to the commander, isn't it?

A. Yes.

Q. Do you notice that PHO says, that was VC propaganda in his memorandum that he wrote too. I think it's in this one right here, (indicating M-36) isn't it, to the division commander, Colonel TOAN. Did he call it propaganda in there? I don't think he called it propaganda. Does that sound like he's saying it's propaganda to you?

A. Well sir, I'm saying the first paragraph. It says in the propaganda leaflet that the VC have used the operation conducted by the American units.

Q. Yes, but then he goes on to say on this matter, the Son Tinh District chief has confirmed the following. So instead of refuting this information as VC propaganda, he's adding substance to the allegation made by the VC, by saying this also came in from the Son Tinh District chief, and he cites the details.

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A. No, sir, I don't remember this.

Q. Are you familiar with Colonel BLACKLEDGE?

A. Yes, sir.

Q. What was his job?

A. He was the S2, I believe, in the 11th Brigade.

Q. Now, if Colonel BLACKLEDGE were to visit the 2d ARVN Division, who would make arrangements for him?

A. He contacted me. He came by there, two or three times. Now, whether or not he contacted me, or whether or not he just happened to drop in, I don't recall. But anyhow, he would usually see me, if I were available, when I came in there.

Q. Would you also make arrangements for Colonel HENDERSON to visit the headquarters, in the early part of April when Colonel HUTTER was comparatively new and traveling about getting acquainted.

A. I could have, sir. I don't believe that I did, but I could have made arrangements, yes, sir. I could have let Colonel HUTTER know that he was coming up there, and maybe had somebody meet a helicopter, something of that nature. Not that that was exactly my job but I could have answered the phone and taken care of those matters.

Q. I have here another exhibit, which has been entered into the record as Exhibit R-1, dated 24 April, "Report of Investigation." Looking at the report there, how do you suppose that the commanding officer of the 11th Brigade, got a copy of that first inclosure?

A. This statement, sir?

Q. Yes.

A. I don't know, sir, where he could have got it from. Could have got it from sector or I don't know, sir. It says he got it from the 2d Division commander, CO, 2d ARVN Division.

Q. That has to do with the--

A. (Interposing) The other one?

Q. It says very clearly, "This message is given to this headquarters, by the CO, 2d ARVN Division, on or about 17 April 1968, as a matter of information."

A. Yes, sir, I see that.

Q. Isn't this unusual, that a commander of an American brigade would be able to get information from the commander of the 2d ARVN Division, without you or other individuals on the advisory staff, knowing about it?

A. Let see, would have been in April. Colonel HUTTER would have been there then.

Q. That's right.

A. Well, I know commanders of American units were in and out from time to time, discussing operational matters. Also Colonel TOAN visited American units from time to time.

Q. (Interposing) Just a minute now, let's back up on that statement. Did he just go around and visit American units, or would he go with his senior advisor, and with other members of the advisory staff?

A. Yes, sir. I believe an advisor would be with him all the time.

Q. Otherwise, how would he get around? The only means of transportation he had was the choppers which were made available to your advisory element. Isn't that correct?

A. Yes, sir. He had some choppers but I don't think he went to an American unit using his helicopters.

Q. He had a chopper, at that time?

A. There were some--yes, sir, there were four there, I believe three or four H-34's in the 2d ARVN Division headquarters at the time, and he would fly in those from time to time. In fact, I went with him and his G2 on occasion, using those helicopters.

Q. But, it would be most unusual for him to visit an American unit, without him having his advisor with him.

A. Yes, sir.

Q. And would it not also be most unusual for an American, from a tactical unit, to go in and see the ARVN division commander, without the knowledge of the advisory staff, or without somebody being present?

A. Yes, sir, it would.

Q. Yet, we see this document being transmitted, and made available on the 17th and--with this comparable piece of propaganda, that which I've shown you before, and the advisory element is not aware of it.

A. Well, someone on the advisory team could have been, I wasn't at all the meetings, and it could have taken place when I wasn't there.

Q. No, but when we do look at the contents of this thing and we're looking at an intelligence, we're looking at psychological operations, all of which focuses in the 2 shop.

A. Yes, sir.

Q. So, if there's anybody aside from Colonel HUTTER himself who should have known about this it would appear to me it should be you. Isn't that correct?

A. Yes, sir. Or the sector people since--

Q. (Interposing) He didn't say that he got this from the sector people, he said he got it from the CO of the 2d Division.

A. Yes, sir.

Q. You sure that you didn't see this, and provide it to BLACKLEDGE. Or something of this nature, and just write it off as VC propaganda?

A. Well, sir I thought at the time, as I stated earlier, that it was sort of accepted as VC propaganda to begin with, because the whole thing seemed ridiculous about American troops rounding up these people and just murdering them

in cold blood. I won't say cold blood, but just shooting them down. It just seemed ridiculous from the beginning, and much less 500 people, that's a lot of people.

Q. I know, it's a lot of people.

A. So, that even added more to the fact that it was ridiculous and sounded like VC propaganda.

Q. What sounded ridiculous?

A. The fact that they would do it to begin with, round them up and shoot them--

Q. (Interposing) You must have a little more information than you came out with before, because before they were killed by artillery, and now you're talking about rounded up and being shot.

A. Well, I mean as referred to here--

Q. (Interposing) Well, we're talking back about what you thought then, and so there must have been something that's coming to mind now, about the propaganda you had available to you and so on, that you haven't come forth with.

A. Sir, everything is open to you. I'm anxious to provide every bit of information that I know--

Q. (Interposing) Well, you tell me where you got this impression about these people being rounded up.

A. Well from--

Q. (Interposing) No, no, no, I'm not talking about that. You were saying that it was ridiculous, that they would round them up.

A. Well, no, they were killed by artillery fire, 500 people being killed by artillery fire. I don't recall hearing anything about them being rounded up and being shot by the American units at that time.

MR MACCRATE: Major EARLE, at the beginning of your testimony you mentioned your friendship for Major CALHOUN. When did your friendship with Major CALHOUN begin? Did you know him in Vietnam?

A. Yes, sir. I knew him quite a number of years ago, and I met him, saw him again in Vietnam, a couple or three times, I guess.

Q. Did you, from time to time, get up to LZ Dottie to Task Force Barker during the spring of 1968?

A. I was in that area one time I believe, but it seems like it was with Colonel ULSAKER, which was prior to this incident happening. I went up along with other members of the team there and I saw the S2 advisor, or S2 in that unit, at that time.

Q. Who was the S2?

A. I don't recall his name.

Q. Captain KOTOUK?

A. No, sir, I believe this was a major. It was the brigade headquarters, I visited.

Q. Oh, you went over to Duc Pho, to the brigade headquarters?

A. No, sir, this was another brigade that operated I believe, close to the TAOR of Task Force Barker.

Q. Did you see Major CALHOUN there?

A. No, sir, I don't believe I saw him there.

Q. Now, you indicated you saw Major CALHOUN several times in spring of 1968. Where did you see him?

A. Yes, I believe the only time that I saw him was the times he came there to the ARVN Division headquarters, he and Colonel BARKER.

Q. But you didn't get up to LZ Dottie?

A. No, sir. I don't recall going into that area now. The other landing zone that I was speaking of was the brigade headquarters, and I don't believe that was Landing Zone Dottie.

Q. And you have stayed in touch with Major CALHOUN in the meantime, and you're presently at the same duty station, do I understand?

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A. Yes, sir.

Q. And you had a conversation with him last fall, when this matter first broke in the newspaper media?

A. Yes, sir.

Q. I'd like you as best you can now, not going back 20 months, just go back a couple of months or so and re-count for us each of the occasions that you spoke to Major CALHOUN about this. You talked about comparing notes. What did he tell you about his recollections?

A. I say comparing notes. We both remember the incident as I stated earlier, it was brought to my attention by this briefing. We talked about how the newspaper people were really making or giving the Army very adverse publicity about the alleged incident and how embarrassing it was for the military and things of that nature.

Q. But you told--

A. (Interposing) We didn't discuss any details about what had happened over there.

Q. But, you told him about this briefing, that you had attended?

A. No, sir, I didn't tell him about that. I told him I remembered the incident.

Q. I thought you just told me, that you said to him, that you remembered the briefing. Did you tell Major CALHOUN about this briefing?

A. No, sir. I just told him that I remembered the incident.

Q. What did he tell you?

A. He really didn't discuss any details or anything like that, about it.

Q. Didn't tell you anything about the operation?

A. No, sir, he didn't discuss it other than--in fact, I probably approached him on the matter you know, and asked

him if he had heard about it being publicized, and coming out in the news, and I told him the fact that I remembered the thing allegedly happened.

Q. Did you tell him how you knew that it had allegedly happened?

A. No, sir, I don't believe I did.

Q. But you did tell him you remembered?

A. I told him I remembered.

Q. Well, did he tell you it had been a successful operation?

A. No, sir. He didn't discuss that at all.

Q. What did he say?

A. Just talked about how--well the embarrassing position that the Army was in now because of the adverse publicity that had been broadcast by the news media. And perhaps, I told him that I didn't believe the thing as reported by the news media. How it appeared to be one sided because of the people that had been interviewed and the reports broadcast on television and things of that nature.

Q. What did he say about that?

A. He just sort of agreed.

Q. Did he tell you about any of the aspects of the operation, what had been accomplished, what it had--

A. (Interposing) No, sir.

Q. Was it a success, how important it had been?

A. No, sir, never did discuss that.

Q. Didn't get into any of that?

A. No, sir.

Q. Did he mention any of the problems that he personally was experiencing at this time, in view of all this publicity that had come to him?

A. No, sir.

Q. Didn't share that with you at all?

A. I believe he said, he had to go up to Washington, come up here concerning this My Lai incident, or either it was his boss that told me this, his immediate supervisor. But I heard that he was coming up here, and also that he was here.

Q. I'd like you to go back to this briefing you told us about. You started to give us a list of people who were there but I don't think you ever quite completed that. The only ones you've spoken about specifically: you were there, and Colonel GUINN was there, and Colonel HUTTER was not there. That's as far as we got. Now can you tell us who specifically, in addition to the two of you, Colonel GUINN and yourself, were there.

A. Colonel ULSAKER would have been there. He would be the senior advisor at that time.

Q. Now Colonel ULSAKER, we've established, left at the end of March, the first day or two of April. We're talking now, as is quite clear from these papers that you've examined, around the middle of April. Colonel HUTTER would have relieved him and you said that he was not present for this briefing--

A. (Interposing) Colonel ULSAKER, yes, sir.

Q. Well, you said earlier that Colonel HUTTER was not there, either.

A. Well maybe I'm in error there. I was thinking that this thing came out about the time it happened and if that were the case then Colonel ULSAKER would have been there. But, if it came out in April, then Colonel HUTTER would have been the one that was there.

Q. Do you remember who was at this briefing other than yourself and Colonel GUINN?

A. Specifically, no, sir, I don't. I know who was the members of the team that were there at that time, but exactly who was at the briefing, I'm not sure.

Q. Well, who usually attended the briefings?

A. Well, there was Major HANCOCK, who was the G3 advisor, G1 advisor was Major DOSIER. Major GRAY who would have been the adjutant for the team.

IO: Did he attend the briefings such as this, between province and the advisory, and the operation aspects of it?

A. He was there from time to time, sir. He was there from time to time.

Q. Who was your executive officer there?

A. Colonel CROMWELL, I believe was there at that time.

Q. Would he have been there?

A. Yes, sir.

Q. Do you recall him having been there?

A. He was there every day, so I don't know why he shouldn't have been there. Captain FREEMYRE--

Q. What was his position?

A. He was in the G2 section, assistant G2 advisor.

MR MACCRATE: He was your assistant?

A. Yes, sir.

Q. How do you spell his name?

A. F-R-E-E-M-Y-R-E.

Q. And his first name?

A. Norman, Norman FREEMYRE.

Q. Do you know where he is, today?

A. I believe he lives in Colorado, sir.

IO: Is he still in the Army?

A. I don't know, sir. He was thinking of getting out of the service, and going back to school. Whether or not he actually got out, I don't know, I haven't heard from him since.

MR MACCRATE: Colonel GUINN bring anyone with him?

A. Sometimes he did, sir, sometimes he didn't.

Q. Whom did he bring with him, when he came to such briefings?

A. Sometimes Major HACKING was there, he was the S3 advisor. Sometimes a Captain LANE was there, who was the sector S2 advisor, and sometimes his assistant was there, Major PARKER. He wasn't an assistant, he was also part of the S3 section, he was on the team. I think there was a change during that period of time and Major PARKER, I believe, had some other job other than S2 advisor.

Q. Is there anyone else that may have been present at this briefing?

A. Yes, sir, there probably was several other people, I'm trying to think of their names, right now.

IO: How about his deputy?

A. He could have been there, sir.

MR MACCRATE: Colonel GREEN?

A. He could have been there, yes, sir. I don't remember whether he was Colonel GUINN's deputy at that time or not, but he could have been there.

Q. But from among all of these the only two people that you're sure were there, were yourself and Colonel GUINN?

A. Yes, sir. I don't know why the others shouldn't have been there. They were there every day. As far as being absolutely certain, I can't say for certain that they were there. There's no reason why they shouldn't be there.

Q. Now you indicated that Colonel GUINN was trying to get additional information.

A. Yes, sir.

Q. Did he ask the people who were assembled at the briefing about this, and whether they could provide additional information?

A. No, sir. I think he just provided the information--

Q. (Interposing) How was he trying to get the additional information?

A. I don't believe he said. It probably would have been through the district advisor, the Son Tinh District advisor.

Q. But, he didn't want to bother any of you with it, didn't want to follow out your lines of information?

A. I don't believe he mentioned it, sir. I don't believe he said, will you see what information you can get on this matter.

Q. Doesn't it seem a little strange to you that while it being passed up through ARVN channels with an indication of interest, that it wasn't similarly being passed to you for response from you, and to contribute any information you might have had.

A. Well, now it does.

Q. Did he say how he had obtained this leaflet, from the Son Tinh District?

A. No, sir. No, sir. He didn't say how he got it, didn't say whether it came down through his channels or through the Vietnamese channels.

Q. Did the district advisor at Son Tinh ever come over to Quang Ngai, to meet with you?

A. I saw him from time to time, but this matter was never discussed.

Q. Who was he at that time?

A. I don't recall his name, he was a major, later promoted to lieutenant colonel, but I don't recall his name right off hand.

Q. Do you remember Major GAVIN?

A. He was the one. Yes, sir. I remember.

Q. If he were away for a period who would be the acting man, at the district level.

A. I don't know, sir. He had an assistant up there, but I don't recall his name. There was a team with the district, but I don't recall his name.

Q. Do you recall the Phoenix member of the team up there?

A. No, sir. I don't recall it, but I remember seeing him from time to time.

Q. Tall, lanky Georgian?

A. I don't remember descriptions. If you have a name that might--

Q. (Interposing) Have you seen in the documents today, the name of any members of Major GAVIN's team?

A. I thought I saw an assistant advisor, district advisor here, Captain RODRIGUEZ, however I'm not sure whether--

Q. Did Captain RODRIGUEZ ever come down from Son Tinh District to talk to you?

A. No, sir. I don't know that I ever saw him but once.

Q. If your counterpart in the ARVN wanted information as to an operation as to KIA, the weapons count, and that kind of detail. And that kind of information found its way into the records of the ARVN, how would it have gotten there? What's your best guess, as to how they would get such information into their records?

A. Well, they could have gotten it through me or they could have gotten it through the sector, or maybe through the district, probably several sources from where they could have gotten the information.

Q. Were you tuned to the Americal Division for example to get their newspaper, items of information, that were put out by division headquarters?

A. No, sir. I don't believe we were on the distribution list for such. However, we stayed in pretty close touch with one another, on operational matters, and things of that nature.

Q. Did you get any such information from brigade, the 11th Brigade? Were you on their distribution list?

A. We did receive intelligence reports from them. We were in communication frequently, personal visits, telephone, and things of that nature.

Q. If the task force was established, essentially an AO with which you had a direct concern, and that task force had the most spectacular success of its entire operation in one engagement, and this was reported in the brigade newspaper as being the big thing, wouldn't this come to your attention? Wouldn't you have some awareness of what was going on, just 5 or 6 miles away? We have the 11th Brigade newspaper from this time, and there's a big write up of this operation. They indicate the largest number of kills that they had had at any time, 128 KIA, but none of this information filtered through to you?

Q. It probably did. As I say I can't say for sure that it did, and I can't say for sure that it did not. I'm not saying it didn't, by any stretch of the imagination.

Q. Do you know how long Task Force Barker was in existence?

A. I know the battalion commander was killed close to that area there, but whether or not it was still in existence at that time or not, I'm not sure. I believe it was but I'm not--

Q. (Interposing) Do you have any recollection of the operation that was going on at the time, that the task force commander of Task Force Barker, Colonel BARKER was killed?

A. Well, sir, I know it was either, a sector or district operation involving mostly RF and PF forces. I think they had a platoon from this battalion blocking along a river line in that area, and I believe Colonel BARKER was out one morning checking on the platoon, seeing what action was going on there. And a forward air controller was also flying around in this same area, and he was shot, and believed to have been killed by ground fire, and his airplane crashed into the helicopter in which Colonel BARKER was flying. Both of them fell to the ground. They were killed, and they had a hard time getting in there trying to recover the bodies. I don't know whether they ever did recover them or not, I know they had a hard time getting--

Q. (Interposing) Well, you did hear of that operation led by Colonel KHIEN in June of 1968?

A. Yes, sir.

Q. Did you have any information as to the purpose of that operation?

A. Well they had all types in this, search and destroy type operations, clearing operations, and spoiling attacks, to quote some of their terminology, this type operation.

Q. But you have no special recollection of this particular operation?

A. No, sir.

COL ARMSTRONG: Did you normally get any intelligence summaries from the neighboring units on a daily routine basis?

A. From the American units? Yes, sir. We got them from time to time. We tried to get them every day. Sometimes we didn't get them, and sometimes we did get them. The distribution system over there wasn't too good. Sometimes we would, and sometimes we wouldn't.

Q. When you got them in, did you personally, as the G2 advisor, sit down and read these things or did you keep them more or less as a file reference?

A. Well, sir, I tried to keep abreast of what intelligence the American units had over there. I know I payed

quite frequent visits to them, called them up on the telephone and things of that nature to find out what information they had.

Q. I'm thinking about just normal intelligence summaries.

A. Yes, sir. I would read them I believe.

Q. Lets go back to this R&R business. Where did you go out to Hawaii from, what port? Danang or Tan Son Nhut?

A. Danang.

Q. Did you go up there 2 or 3 days early and wait around?

A. Yes, sir. I went a couple days early I believe.

Q. You came back in to Danang from R&R?

A. Yes, sir.

Q. Did you have a day or two layover there before you went back?

A. I came back to Saigon, and I left from Saigon also, and I came back to Saigon.

Q. You didn't go from Danang?

A. No, sir. I went up to Danang and then went to Saigon and went from there.

Q. Your R&R was what? 7 days in those days?

A. Yes, sir.

Q. So you really have been gone in that period of time from perhaps 11 to 14 days?

A. Yes, I could have been. Do you have specific dates that this--

Q. (Interposing) No, I'm talking about you going on R&R and trying to establish what the pattern of R&R was. You can't spell out the dates--

A. (Interposing) No, sir.

MR MACCRATE: Were you there when Colonel HUTTER relieved Colonel ULSACKER?

A. No, sir. I was gone when Colonel HUTTER reported in. Then I also saw Colonel HUTTER and Colonel ULSACKER in Danang the day I came back from R&R, so Colonel ULSACKER was going home and Colonel HUTTER was going back to Quang Ngai.

Q. That indicates that you were back in Vietnam very early in April.

A. Yes, sir.

IO: Were you ever aware on the ARVN side of any investigation that was going on, that they were looking into it?

A. It seems like I remember hearing something about it, sir, but they treated it almost exclusively as Viet Cong propaganda and I don't remember--

Q. (Interposing) Specifically now, lets come back to Major PHO. What did he tell you about this being VC. Did he say that this is VC propaganda or did he give the impression that they didn't place too much importance on it, or specifically what?

A. I gathered that, yes, sir, because I can almost see his face when he said VC propaganda. It appeared to me or it seemed to me at that time that they attributed the allegations and so forth to Viet Cong propaganda rather than actually happening.

Q. You were pretty busy about that time, weren't you?

A. Yes, sir. We stayed rather busy.

Q. I'm talking about this specific time. This wasn't just any old time you know. This was right after the Tet Offensive.

A. Yes, sir.

Q. And if I'm not mistaken you were fighting to protect your very being, weren't you?

A. Yes, sir.

Q. Well, doesn't this cause things to bring a little stronger into focus?

A. Yes, sir, but involving most of the Vietnamese units. We just didn't seem to be directly involved with American unit activity. It seemed to be two different operations unless they were on a joint type operation and then we did become involved, the advisory team and the American unit. The Americans seemed to operate independent of the Vietnamese activities.

Q. Are you sure that Colonel GUINN said that 500 were killed by artillery?

A. That figure sticks in my mind, yes, sir.

Q. Could the figure 1,000 or 1,200 or 1,500 be fixed in your mind?

A. No, sir.

Q. Did you ever hear of him having a report from census grievance team?

A. No, sir, he didn't. I don't recall him specifying where any reports came from.

Q. I'm not talking about VC propaganda, I'm talking about a report now.

A. Yes, sir, right.

Q. Did he ever mention that he had a report from census grievance team?

A. I don't recall if he did, sir.

Q. Did he ever show you a copy of this memorandum of the 11 April which Son Tinh District had sent to him?

A. Again I don't recall. It could have been that he did, but I don't recall.

Q. Did you ever attend a meeting or did anybody ever tell you lets not talk about this thing, its going to be properly investigated?

A. No, sir, not to my knowledge. In fact, I'd almost say without a doubt that I was never told not to discuss it, it was going to be investigated. I don't remember that at all.

Q. Did you ever hear any additional rumors or reports that might have aroused your curiosity about what happened out there?

A. No, sir, as I say the American units sort of operated separately from--

Q. (Interposing) I didn't ask you that question. I asked if you ever heard anything which aroused your curiosity about something that may have happened out there?

A. No, sir.

Q. How did ARVN and how did the advisory group with ARVN treat this area out along the coast, northeast of Quang Ngai City, which is generally a VC area. Did you treat that differently than you did the GVN controlled area and the no-fire zone along Highway 1. Did you have a separate set of rules for each of those areas?

A. How do you mean, sir, as far as treating is concerned?

Q. Well I'm talking about handling such things as artillery fire, or statement to the effect of well that's VC area--

A. (Interposing) Yes, sir, that was considered a free-fire area, and I know it was bombed and strafed quite frequently. Artillery was fired into the area. The Koreans were up in that area and they fired into there.

Q. The Koreans had departed well before that.

A. Yes, sir but I mean during--

Q. (Interposing) I'm talking right now, I'm talking about in the spring of 1968.

A. Yes, sir. I know it was hit by air strikes frequently.

Q. Were they random air strikes or were they pre-planned air strikes with specific targets and were they cleared?

A. I'd think that would be more of a pre-planned nature in support of operations. They had the gunships in there a few times, C-47s.

Q. Was there any restriction against them firing in-to populated areas, even in the VC areas?

A. Well I'm sure there were. I don't know, sir, whether there were any restrictions or not. I know they bombed it frequently and strafed it with C-47 gunships.

Q. But did they just go in and shoot anyplace?

A. No, sir. I think it would be in support of an operation. I don't believe they just bombed it at random, fired artillery in there at random.

Q. Did you consider that on the ARVN side it was a free-fire zone?

A. I believe it was considered one.

Q. Did U.S. elements consider it a free-fire zone?

A. I don't know, sir, whether they did or not. I don't see why not, but I don't know for sure.

Q. What about such matters as burning of hootches or burning of houses, destruction of villages and things of this category? Was this allowed in the VC area?

A. I don't have any knowledge of any being destroyed for the sake of destroying them unless there was some reason, because of enemy activity in the area. They were destroyed by bombing or artillery or something of that nature. But I don't know of any--

Q. (Interposing) Was there a policy to go in and just burn out these hamlets and villages where the non-combatants live?

A. No, sir, I don't know of any incidents where that took place.

MR MACCRATE: Major EARLE, you have told us that you heard from Colonel GUINN about the VC propaganda leaflet, that you heard from Colonel GUINN something about the district chiefs report, that you heard from Colonel GUINN that the

province chief had someone looking into it, that you heard from Colonel GUINN that he was passing it up through his channels, and that you finally heard from Colonel GUINN that he was seeking additional information about this matter. You said all these things to us this afternoon.

A. Yes, sir.

Q. Now I've noted them down as you said them. Now have you any further recollection of what Colonel GUINN said to you other than these things that I've just listed to you?

A. No, sir. I don't have any additional information.

Q. Have you anything that you can tell us having heard these five things of Colonel GUINN as to what you did, anything that you said to anyone, anything that you did about it, any indication that you did anything other than just put it out of your mind?

A. I didn't put it out of my mind. As I said I discussed it with Major PHO and he said it was VC propaganda. I remember it being mentioned that morning about how ridiculous it was for that many people to be killed, 500 people. As I said, it was an American unit operation and the 2d ARVN Division wasn't involved in the operation.

Q. What did Major PHO say about Colonel TOAN bringing this to the attention of the Americal Division?

A. He didn't say anything to the best of my memory. I don't remember that he ever mentioned it again.

Q. He didn't mention anything about talking to General KOSTER, General YOUNG, or Colonel HENDERSON or any members of the staff in either division or brigade?

A. I don't recall that he did. No, sir.

Q. You have no recollection whatsoever?

A. No, sir.

Q. If General KOSTER or General YOUNG came in to the compound you were generally aware of that, weren't you?

A. Yes, sir. I would say most of the time I would be.

Q. But you have no recollection of any such thing?

A. No, sir.

IO: On this staff briefing and so on. How did you conduct your morning briefings. Did you have a joint briefing with the ARVN unit or the ARVN commander, for example, along with the senior advisor and the ARVN general staff and so forth with their counterparts, sit down and presented this thing so everybody could get a picture of what was going on, which was rather standard throughout Vietnam?

A. Yes, sir.

Q. Well in this process now, did Colonel TOAN or any of his staff ever mention this in this kind of form?

A. I don't recall it being mentioned sir.

Q. Was the subject ever broached?

A. Not to my knowledge, no, sir.

Q. Did Colonel GUINN attend those conferences, those briefings as well. What time of the morning were they held?

A. They were usually held 0830, something like that, 0830 or 9 o'clock something of that nature.

Q. Colonel GUINN lived with you in the compound, did he not?

A. Yes, sir. He lived in the compound, yes, sir.

Q. Did you talk to him any further about that? Did he talk to you over in the club or having a beer or--

A. No, sir, no, sir, I didn't--

Q. (Interposing) Did you talk to him about it?

A. No, sir, I didn't talk with him about it.

Q. You just wrote it off as propaganda and forgot it?

A. Well, to my knowledge I don't think the subject came up again.

MR MACCRATE: Did you tell him about Major PHO's reaction?

Colonel GUINN told you he was doing all these things?

A. He didn't specifically come out and relate to me now I'm going to do this and I'm going to do that, I'm I'm going to do the other. This came out in the course of the conversation. He wasn't talking to me specifically, just--

Q. (Interposing) But you knew he was taking it seriously, and you--

A. (Interposing) No, sir, he didn't appear to be taking it seriously as such.

IO: What was he talking about then?

A. Well, he was discussing it, but he didn't seem to be alarmed about it.

Q. Well if you all of a sudden heard 500 people getting killed-- I mean a specific figure and a specific area and which could--anybody should be able to pin this down to the operation.

A. Yes, sir.

Q. Particularly since the dates are given and it says it was done by an American unit but nobody ever got around to discuss this and to try to rationalize the thing.

A. No, sir, not in the Advisory Team 2 there. They might have at the sector headquarters but not at the advisory team. And not 500 people, that's a lot of people to be killed by artillery fire as we understood it.

Q. Anybody ever check to see how much artillery was fired that day?

A. No, sir, but I know an awful lot usually was fired in preparation for any type action either American or Vietnamese.

Q. What's a lot of artillery?

A. Well, sir, they had some 155 artillery, 105, and sometimes they had some 175 artillery firing to the area in which maybe an airborne assault was going to take place or in which and operation would take place.

Q. Under those circumstances, what's a lot of artillery? That's just the caliber of the tubes, that's all.

A. Well I remember, oh they'd fire sometimes a 20 minute preparation and it sort of depended on whether or not there were suspected enemy troops being in the area in which the operation was going to take place.

Q. Well if you fired a 20 minute preparation with 105s, 155s, and 175s and you're firing on a village, would that be such an erroneous hypothesis that 500 could be killed?

A. I would think so, yes, sir. I know they fired that much on a lot of enemy units and they didn't kill many.

Q. I didn't say that, I said upon a village.

A. Yes, sir. I would think so, yes, sir.

Q. You ever seen a 20 minute prep of the kind of tubes you're talking about?

A. Yes, sir, I've seen it on hillsides and mountainous areas.

Q. You ever seen it out on the flatland?

A. Maybe not a 20 minute preparation, no, sir. It depends on how fast they're firing the artillery and things of that nature.

Q. But to your knowledge nobody checked the amount of artillery? You didn't check it?

A. No, sir.

Q. Did anybody check the artillery that was fired that day?

A. No, sir, not to my knowledge.

Q. Don't you think this is rather lackadaisical that if you got an allegation that 500 civilians were killed by artillery that nobody would even check to find out how much artillery was fired or where it was fired?

A. Well it seems now that that would have been the good thing to have done.

Q. Well not only now, then. Or did they just have an attitude that well that's out in VC territory, forget it.

A. Well that was definitely considered to be VC controlled area.

Q. I understand that but is this the reason why people were not so anxious to do something about it?

A. Could have been, sir.

Q. Could have been VC territory or were you so busy doing something else that that was relatively unimportant?

A. Could have been, sir. I don't recall what the reason was for not doing that at that time.

Q. It seems almost absolutely impossible to me that intelligence officers and operational officers, when they get a piece of information like that recognizing the extreme pressure that you were all under from General WESTMORELAND and from within the chain of command to reduce civilian casualties that you wouldn't ask one thing about it? You'd do nothing further about it?

A. Well, sir, we didn't get involved in the American sponsored operations, unless it was joint with the ARVN and Vietnamese and--

Q. (Interposing) You're an American Army officer.

A. Yes, sir. And the sector people sort of operated on their own also unless it was a joint operation with the sector forces and 2d ARVN Division or either the sector and American units and just sort of three separate operations going on there. However we did coordinate when two were involved.

Q. But this is the area that belonged to the 2d ARVN.

A. Yes, sir.

Q. Even though you had given a temporary, I say you, I'm referring to the 2d Division, had given a temporary area of operations to Task Force Barker to operate in for a given period of time, this is still your territory, the division's territory and people got killed, but this is no concern of ours or wash our hands of it.

A. Well, sir, we didn't, I don't think, take that attitude. Just completely wash our hands with it. That's like seeing a man run over by an automobile and saying well he's not in my family, I don't want anything to do with him. I'm certainly concerned with human life.

Q. I'd like you to tell me one thing you did except talk to Colonel-- Major PHO about it. You didn't talk about it--

A. (Interposing) I could have discussed it with somebody at CORDS. However, I don't recall that I did or don't recall that I didn't, because I know I talked about many, many matters with him and it could have been in the course of the conversation.

Q. Well, I can think of a lot more possibilities too, but I'm talking about what you actually did, not what you might have done.

A. Yes, sir. I don't recall--

Q. (Interposing) Did you make a suggestion to Major PHO, well lets check this thing out, see if there is any validity to it?

A. I remember discussing it with him, sir, but I don't remember recommending that to him.

Q. Did the 2d ARVN Division make any effort to collect additional information concerning this?

A. If they did, I don't remember being informed of any additional action.

Q. I have here a message from COMUSMACV to VMAC dated 2 February 1968, subject: "Mistreatment of detainees and PWs," UNCLASSIFIED. I'd like to have this--this message is signed by Walter T. KERWIN, Jr., Major General, United States Army, Chief of Staff.

RCDR: This message will be entered into the record and marked as Exhibit M-48.

Q. I would ask if you ever saw this message or were aware of the contents of this message.

A. I don't remember this specific message, sir, but I was aware that prisoners or detainees or anybody else

should not be mistreated, abused or anything like that. I know I tried several occasions to have detainees sent back to their homes because there were no facilities there for them to take care of meager human necessities and they were herded around, treated like animals. I did what I could to try to get them returned to their homes to keep from being mistreated.

Q. Well I'd like to call your attention to that last paragraph.

A. Yes, sir.

Q. Which says; "all known, suspected, or alleged war crimes or atrocities committed by or against U.S. personnel will be investigated in accordance with MACV Directive 20-4." Were you aware of that?

A. Well, I'm sure that these would have been investigated.

Q. No, but you're an American officer. You're being given information of an allegation that U.S. artillery killed 500 people. Did you insure that this was being investigated?

A. No, sir, I did not.

Q. Don't you think that's within your responsibility as an officer when you hear something such as this to do something about it?

A. Yes, sir, it appears to be now that I--

Q. (Interposing) Wouldn't it appear so then? What I'm trying to figure out is why people such as yourself who had information such as this, did nothing. And I haven't got an explanation from you today other than the fact that somebody told you well it's probably VC propaganda.

A. Yes, sir. And the fact that this involved an American unit and the fact that the sector people were involved in the civilian aspect of it.

Q. Didn't you feel obligated to check with Colonel GUINN or with your higher commander to insure that this thing was being investigated properly?

A. No, sir, not at the time, I didn't.

Q. Well I'm sure that you gained a lot of insight today and a lot of things have been called to your attention that will refresh your memory. This is one of the crucial areas right here as far as the reporting of information and if based on which we have provided today if this starts putting some bits and pieces back into your memory as to what transpired, we'd like very much then to take advantage of whatever information you have to offer. So if any of these things do come back to you I want you to get in touch with this office so that we can get together with you and take advantage of that information. Additionally if you have any documents, memoranda, papers, directives, photos, aerial photos, maps, or anything of that nature, which would be of assistance to us in this investigation I'd like very much to have those. At this time now, I'll give you an opportunity to ask any questions that you may care to ask or to make any statement for the record that you may care to make.

A. I have no questions, sir, but I would like to state that I'm as anxious to provide all information that I possibly can concerning this matter, because it concerns me and because of the bad light in which it has cast the Army. And I think they're getting a lot of--tried before anything, any of the facts and so forth are known concerning the matter. If anything comes to mind, you can rest assured that I'll get in touch with your office somehow or other.

Q. Well you're at CONARC and you have immediate access to a telephone.

A. Yes, sir.

Q. And we can arrange for you to get back here in very short order.

A. Yes, sir. And I'll certainly rack my memory to come up with any facts and figures or any other details I possibly can.

Q. All right we'd appreciate that.

A. I certainly will.

IO: This hearing will recess at this time.

(The hearing recessed at 1815 hours, 19 January 1970.)

(The hearing reconvened at 1409 hours, 26 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, COL ARMSTRONG and MAJ LYNN.

Sir, the next witness is Major Thomas B. EARLE, Jr.

(MAJ EARLE was recalled as a witness, reminded that he remained under oath to the hearing and testified as follows:)

IO: Major EARLE, you recall when you were here with us the last time, we were talking about some of your discussions with representatives from the advisory group at province and also about some of the documents, some of which came from the district chief's report, for example, that of 11 April. We were talking about VC propaganda. I had been talking with you, and Mr. MACCRATE subsequently said this to you:

"Q. Major EARLE, you have told us that you heard from Colonel GUINN about the VC propaganda leaflets, that you heard from Colonel GUINN something about the district chief's report, that you had heard from Colonel GUINN that the province chief had someone looking into it, that you heard from Colonel GUINN that he was passing it up through his channels, and that you finally heard from Colonel GUINN that he was seeking additional information about this matter. You said all these things to us this afternoon.

"A. Yes, sir.

"Q. Now I've noted them down as you said them. Have you any further recollections of what Colonel GUINN said to you other than these things that I've just listed to you?

"A. No, sir. I don't have any additional information.

"Q. Have you anything that you can tell us having heard these five things of Colonel GUINN as to what

you did, anything that you said to anyone, anything that you did about it, any indication that you did anything other than just put it out of your mind?

"A. I didn't put it out of my mind. As I said, I discussed it with Major PHO and he said it was VC propaganda. I remember it being mentioned that morning about how ridiculous it was for that many people to be killed, 500 hundred people. As I said, it was an American unit operation and the ARVN Division wasn't involved in the operation."

Now with that as a background, did you discuss this with anybody else within your own advisory group? Did you discuss this, for example, with Colonel HUTTER, who was present at the time?

A. I don't recall discussing it with him, sir. I don't. What I've told you is to the best of my memory. Actual events could have been different than that, but to the best of my knowledge, I'm trying to tell you--

Q. (Interposing) I don't want you to necessarily hold to exactly what you told us here because you may have have had some additional thoughts as to what happened.

A. I have gone over everything that happened many, many, many times since I was here the last time. I have done some serious soul and mind searching to come up with different information. The only thing that I can say is maybe the thing was overshadowed by other events that were taking place at that time.

Q. Would you explain that?

A. I know we were constantly receiving reports about the enemy activity, about the forthcoming attacks in the area. We were concerned with that, trying to find out what was going to happen, when it was going to happen, where it was going to happen. That was the situation that existed then.

Q. We're talking about the time period generally from the 1st to about the middle or a little bit after the middle of April.

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A. Yes, sir. I could have discussed it with someone else. I could have discussed it with someone in the 11th Brigade or even G2 of the Americal Division. He was the only one that I had contact with really. I could have discussed it with him or mentioned it to him; I don't recall.

Q. You don't specifically recall having discussed it with Colonel HUTTER?

A. No, sir, I don't recall.

Q. Could you have discussed it with the G2 of the Americal Division, Colonel TREXLER?

A. Colonel TREXLER or Colonel OWENS, one of the two.

Q. Yes?

A. I met with them occasionally and went over what information we had, things that had happened, operations in which the Americal Division had been involved, and things of that nature.

Q. How about Colonel BLACKLEDGE or Colonel HENDERSON?

A. I could have. I don't think I discussed anything with Colonel HENDERSON because I didn't discuss anything with him; I just didn't have the occasion, but I did with Colonel BLACKLEDGE. From time to time we compared our notes on enemy activity and OB holdings and things of that nature.

Q. Did he come up or did you go down there? How did you meet?

A. Well, a little of both. I think he came up to Quang Ngai. I don't recall seeing him but once at the 11th Brigade. He came up there occasionally, not frequently, maybe once or twice, three times at the most.

Q. Do you remember talking to him specifically about this situation, about the letter, about the VC propaganda?

A. Not specifically about the situation. We discussed the whole gamut of events and things of that nature that had been taking place.

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Q. What was the procedure for you, for example, to get information or documents or provide documents to the 11th Brigade? How would you do that? Or to the Americal Division?

A. Well, they would request them. If we had something we would try to send it--by the liaison officer that was going up to the Americal Division, something of that nature. We had a liaison officer there with Team 2, and he would make trips from time to time up there. We would give him information, ask him to bring back information. Sometimes he would have time to, and sometimes not.

Q. The Americal Division did have a liaison officer there? Periodically the brigade would send one of their people up to check around, and also to check with the liaison officer from the Americal?

A. Yes, sir. I believe that's correct.

Q. Again going back to your previous testimony, you recall that you and I talked about what we referred to as Exhibit R-1, which is actually Colonel HENDERSON's report of investigation of 24 April?

A. Yes, sir.

Q. He has attached to it a Viet Cong broadcast which had been intercepted and then translated into English and a copy had been furnished.

A. Yes, sir.

Q. How would the 2d ARVN Division commander provide a copy of that? It says very clearly in Colonel HENDERSON's letter that a copy of it was provided by the commanding officer of the 2d ARVN Division. Wouldn't it logically follow that this would be provided through your channels?

A. Not necessarily. No, sir. He could have. He visited the 2d ARVN Division headquarters from time to time, and it could have been given to him at that time by the 2d ARVN Division commander.

MR MACCRATE: How would he get a translation, Major EARLE?

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A. They had translators there in the brigade, I think; also at the Americal Division.

Q. Well of course, you had your own translators too, didn't you?

A. Yes, sir; we had them there, at the 2d ARVN Division also.

Q. So I think what we are saying is that there was a variety of ways it could have gotten from the 2d Division commander, Colonel TOAN, to Colonel HENDERSON?

A. Yes, sir.

Q. The reason I ask this is that according to the best information we have, this document was picked out of a stack of documents by the S2 of the brigade who in turn referred it to Colonel HENDERSON because of the information it contained about something unusual happening in the Son My area on about 16 March. What I'm getting at is how would a group of documents like that normally be sent to the 11th Brigade from the 2d ARVN Division?

A. Yes, sir.

Q. Did you make it a practice of gathering documents together and holding them and then passing them on to them?

A. No, sir. I don't remember doing that. They got documents from the sector. In fact I would say they more frequently got them from there than they did from the 2d ARVN Division, or as frequently. They got them from both places.

Q. What did they get from sector that would stand out in your mind?

A. Well, sir, they had an S2 officer there and the information about the Viet Cong infrastructure or information about enemy activity in the area there, intelligence.

Q. Do you recall what I read to you? You said you discussed this matter with Colonel PHO. Would you again tell

us what you and Colonel PHO discussed with respect to this letter that had come down from Lieutenant TAN, the district chief of Son Tinh District, addressed to the province chief with an information copy for Colonel TOAN? Can you go over that again for us?

A. I don't recall seeing that in particular. I just heard about the information. I don't recall seeing it. I could have, but I don't remember seeing the document.

Q. What did he tell you about the document?

A. I don't remember his even discussing the document. We just discussed the event and about the fact that the VC said that 500 people were killed in this hamlet or village by the Americans. I remember asking him, or just discussing it with him. I don't remember any specific questions. He said Viet Cong, VC propaganda. He didn't even say Viet Cong; it was VC propaganda.

Q. Was he, in your judgement, calling the letter from the district chief to the province chief a piece of VC propaganda?

A. The event about the 500 people being killed as being VC propaganda.

Q. What did he tell you specifically about it? Did he tell you where the district chief got his information?

A. No, sir. I don't remember whether he did or not. I don't know whether he said he got it from people coming out of the area, or where he said he got the information from.

Q. Did he say anything about the village chief of Son My?

A. Not to my memory, sir.

Q. What did he say? Did he indicate to you that he had a copy of the letter from the province chief which had been sent to Colonel TOAN?

A. I don't recall seeing any document that he had concerning this incident.

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Q. Did he tell you what he was recommending or what he was going to do?

A. No, sir, not to my recollection.

Q. You worked pretty closely with Major PHO, didn't you?

A. Yes, sir. I worked closely with him.

Q. Would you again go over for us this meeting that was held after the briefing in which Colonel GUINN passed on this information to you about those documents and what he was doing with them and so on?

A. Yes, sir. He gave this information at the briefing. You know each person had their turn to give their portion of the briefing. If he had the information he'd give it; if he didn't, he didn't say anything. This time he did pass this information on.

Q. Were any ARVN personnel present?

A. No, sir.

Q. Just the U.S. advisors?

A. Yes, sir.

Q. Was he the only one there from province or sector?

A. There was usually just one representative there. Occasionally there were others there, but usually there was just the one.

Q. But you remember him being there specifically on this day?

A. Yes, sir. That's where I heard about the 500 people being killed as reported by the Viet Cong propaganda.

Q. Did he say by Viet Cong propaganda?

A. I believe he said that he had received a report that Americans had killed 500 civilians, and I think this came to light through the Viet Cong propaganda.

Q. You recalled before that he said he had some information from the district chief?

A. I don't remember whether he said he got it from the district chief or the advisor up there at the district. It seems to me that from the advisor up there, at the district, who I'm sure in turn got it from the district chief, some person from the district.

Q. Did he show you a copy of the letter which had been addressed to the MACV, Quang Ngai sector, which is a copy of Lieutenant TAN's letter? Did he show you a copy of that?

A. I can't recall, sir, but it seems like I did see one from there. I think that he did show me something, I believe. Maybe it was the one from, I believe you said a Captain RODRIGUEZ was the assistant district advisor. It could have been that one that he had at that time, these papers that he had, a document that he had.

Q. Did you get an opportunity to look at it?

A. I can't remember for certain. I know he told us about it but whether or not I had a chance to see it I don't recall.

Q. What did he say about what he was going to do with it?

A. I don't remember if he said anything about it. I don't remember if he said he was going to do anything with the document.

Q. Was he going to do anything with the information? Was he just going to sit there with the information?

A. To the best of my memory, as I said earlier, he said he was going to report it, pass it on. To whom he was going to report it, I don't know, but it was the province advisor. I'm sure he reported it to him, or he knew about it. But whether it would go on through his official channels or not, I don't know.

Q. If he were going to report it through his official channels, what do you expect that he would have done?

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A. I think it would have gone to Danang, through CORDS channels or to the province advisor, and he would have sent it on up.

Q. The province senior advisor, Mr. MAY, was in and out quite frequently at that time?

A. Yes, sir.

Q. It's hard to say whether he was there on this particular day we are talking about or not?

A. Yes, sir. It could have been that he was going to report it to the Americal Division because they had frequent meetings. You know, between the Americal Division and the brigade and the sector, and the 2d ARVN Division. They weren't involved directly.

Q. Under those circumstances, wouldn't you still expect that he would have made it a matter of record and provided information that he had taken this action to his senior, to the senior of the Quang Ngai advisory group which had been, as you put it, DEPCORDS of I Corps?

A. Yes, sir. I would think so.

Q. Can you recall anything other that he told you about the document? Did he mention if this document for example concerned Son My?

A. No, I don't remember. I don't recall that name, sir.

Q. Any reference on Tu Cung or Co Luy?

A. No, sir, I don't recall those names. So many of them sound alike over there it's hard to remember one particular name.

MR MACCRATE: Is there anything that Colonel GUINN said which indicated to you that he and Mr. MAY had spoken about it?

A. No, sir.

Q. I think you were about to enumerate for us who was at the briefing. I don't believe we gave you an opportunity to do that. At the time that Colonel GUINN was talking about these things, who else was there?

A. Well sir, there were usually about 10 or 15 people there, I guess. The same ones were there most of the time, and it kind of fluctuated a little bit from time to time, so it's hard to say exactly who was there that specific day.

Q. In this discussion that you described, I gathered that it was a smaller group than that, the whole briefing session that may have been discussing that?

A. The only ones I remember being there are just Colonel GUINN and myself; of course, there could have been somebody standing right there by us. I don't know or remember anyone.

Q. You don't recall Colonel HUTTER?

A. No, sir. I don't recall him standing over there.

IO: I think you indicated before there was a possibility that your executive officer may have been there, Colonel CROMWELL I think was his name.

A. Yes, he would have been at the briefing.

Q. As I recall it, it's pretty much like you told us before, rather like Mr. MACCRATE indicated, although it might have been mentioned in the briefing. After the briefing, a few of you got together to discuss?

A. Yes, sir. The only ones I remember would be Colonel GUINN and myself.

MR MACCRATE: We understand that you and Captain LANE used to see quite a bit of each other.

A. Yes, sir.

Q. He was the S2 of sector?

A. Yes, sir.

Q. Do you ever recall discussing this with him?

A. No, sir. I don't remember it ever coming up. I just don't. There wasn't much that we didn't discuss, but I don't remember discussing that.

Q. Did Colonel GUINN indicate who at sector was working with him on this?

A. No, sir.

Q. No indication of with whom?

A. He didn't give any names, no, sir. It would probably be Captain LANE. I would think it would be Captain LANE.

IO: What about the Vietnamese side, since we're talking about a Vietnamese report? It's true he may have been talking with Captain LANE about what he was doing. What did he say about the Vietnamese, what action they were taking?

A. I don't remember him saying anything about the Vietnamese.

Q. Did he mention anything about Colonel KHIEN ever having anything to do with it?

A. No, sir.

Q. Telling him to do something about it?

A. Colonel KHIEN was concerned about his people in the province there, so I'm sure he did something about it. I would think he did. The Vietnamese considered this to be an enemy area. However, I would think he would look into the matter. He wouldn't go into the area himself, I know that. He considered it to be hostile territory, by every definition of the word.

Q. I take it then what you've indicated is that Colonel GUINN was saying to you that this report that was received from district was in effect VC propaganda? Something to the effect that the report indicated 500 Vietnamese civilians had been killed?

A. I believe that was a general consensus of opinion; that it came, or originated from VC propaganda. That is how the information came to light.

Q. Did he say how the district chief had gotten his information?

A. I think it came out originally from a leaflet, some form of leaflet. Now where he got that from I don't remember him saying.

Q. I have here this Exhibit M-30, which we have shown you before, which is a statement signed by Captain RODRIGUEZ. Probably you can see the true copy much better. The original reproduction is not too good.

A. Yes, sir.

Q. Is this what Colonel GUINN was talking about?

A. It seems to me it is, sir. To the best of my memory, it is.

Q. You will notice that it does refer to a letter from the Son Tinh District chief to the Quang Ngai Province chief. That's a basic reference, and it also states in the next paragraph that he had received a letter from the village chief of Son My complaining of the killing of 490 civilians.

A. Yes, sir.

Q. I am going to go over briefly with you the things which you had heard, which you indicated in your previous testimony. You heard from Colonel GUINN something about a district chief's report, so I take it that this is generally within the context of what we are talking about as far as the district chief's report is concerned.

A. Yes, sir. I believe so.

Q. You also heard from him about a VC propaganda leaflet?

A. Yes, sir.

Q. How did he put the two together, or did he?

A. I was under the impression that the information originated from this VC propaganda. That was where it first came to light.

Q. You also heard from Colonel GUINN that the province chief had someone looking into it?

A. Yes, sir. I believe that's what--

Q. (Interposing) What did he say Colonel KHIEN was doing?

A. I don't remember what he said Colonel KHIEN was doing; I don't recall.

Q. You also mentioned that he was passing it up through his channels. We've discussed that before.

A. Yes, sir. He was passing the information on. I assumed it to be through his channels.

Q. You also had heard that he was seeking additional information.

A. Yes, sir.

Q. So where did he indicate he was going to get this information?

A. I don't know, sir, unless it would have been from the district advisor, Captain RODRIGUEZ.

Q. Did he mention Captain RODRIGUEZ that day when you were talking to him? Or did he mention Major GAVIN?

A. I believe the name RODRIGUEZ was mentioned, sir. I believe that name came up as opposed to Major GAVIN.

Q. I'm trying to reconstruct in my own mind how this conversation may have come up, to the effect that perhaps he had received a copy of the district chief's letter. We know he was provided a copy of it. Also on the copy he received was an indication that the commanding officer of the 2d ARVN Division had received a copy. So, he possibly could have been talking to you as if you knew about it, because we know that Major PHO had it.

A. Yes, sir.

Q. And based upon this assumption, you may have also related this to a VC propaganda leaflet or broadcast that had been intercepted. That is an assumption and may be a presumptuous assumption, but does this give any thought at all?

A. No, sir. I don't remember anything as to what he said or what he did or where he said he got his information.

Q. You don't recall what he said province was doing about it, or sector?

A. No, sir.

Q. In terms of any military operations or anything, planning some operations to check it out, getting some intelligence operations going to check it out?

A. No, sir. They just didn't get involved in that area. About the only information that came out of there was from defectors or something of that nature. They just wouldn't go into the area. They had almost a line across that area there and they wouldn't cross it.

Q. Well, after this, did you talk to PHO?

A. Yes, sir.

Q. And what did he tell you again?

A. The thing that sticks in my mind, sir, is that he attributed it to VC propaganda. He didn't show me the documents to my memory or letters or anything like that. I asked him about it; it was right after our meeting, morning briefing, and he said, "VC propaganda." I do know that Major PHO was kind of a shy person and he was very reluctant to discuss any information that was adverse about an American unit or an American, with an American. He just didn't like to talk about it.

Q. He was reluctant to put adverse criticism then into American channels?

A. Yes, sir, criticizing an American or an American unit. I don't remember him ever saying anything adverse about either an American or an American unit. I'm sure he was on many, many operations with them, the Marines, the Army, both, and civilians. He just didn't say anything that was derogatory about Americans.

Q. We know that Major PHO had this paper. We know what Major PHO had recommended to Colonel TOAN and to the chief of staff, the name I believe is Colonel DONG?

A. Yes, sir.

Q. Did he indicate to you that he was recommending to the chief of staff and to the commanding officer that they have the province chief investigate it?

A. I don't recall, sir. I don't recall if he did or not.

Q. Same thing about having the district chief look into it?

A. I don't recall. I know Major PHO was a rather thorough person. I don't recall.

Q. You lived and worked with him so much, Major EARLE, just thinking back, and I know it's very difficult for you to try to go back now almost 2 years, but when you talked to him, did he seem unhappy about anything? Was there anything about his attitude that struck you particularly about this?

A. No, sir. In fact, I can practically see him saying "VC propaganda," when I approached him on the subject.

Q. I think you said before something like, "VC propaganda, maybe artillery."

A. I don't believe he said artillery. I think he just said, "VC propaganda," generally. In fact, I can almost see his face when he said that.

Q. I have here Exhibit M-36. Here is the Vietnamese version, just this one page on top. You notice that in his letter here, it is somewhat contrary to the impression that he might have given you. He makes two distinct issues in his memorandum to Colonel TOAN. He points out first the fact that there is a propaganda leaflet, a copy of which he attaches, that indicates that approximately 500 people were shot and killed. He goes on to say, however, that the district chief confirms what he had heard concerning Son My village, that 400 people were killed in Tu Cung and 90 people in Co Luy.

A. Yes, sir.

Q. Now can you possibly recall that he was discussing two separate things and relating them together?

Q. Did you recall him coming to the headquarters any time around this time period?

A. He was there frequently, sir. I would say that he was probably there during this time period, but I don't remember. He was there frequently or General TOAN--

Q. (Interposing) When you say frequently, what do you mean by that?

A. I would say that they had a meeting at least twice a month. It was very frequent. Other times more frequent than a routine meeting. He passed by there, you know, maybe going from the 11th Brigade or back, and he'd stop in maybe just for a few minutes. They might meet down in the sector or Colonel TOAN would go up to the Americal Division.

Q. Were you ever privy to any of those discussions along about this period?

A. No, sir. I remember being in the presence of Colonel TOAN and General KOSTER on, I'd say, two occasions at the most.

Q. Going back to Major PHO again, did he ever tell that,

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for example, during one of General KOSTER's trips there that he had taken into Colonel TOAN a copy of the district chief's letter?

A. No, sir, he didn't. I don't remember him ever mentioning it again other than the time I discussed it with him.

Q. Who normally sat in with them on meetings such as that?

A. It was usually the advisory team chief and Colonel TOAN and General KOSTER.

Q. Just about three people?

A. Yes, sir.

Q. Did TOAN sometimes have his chief of staff there?

A. I don't recall, sir. I never did see them. I never was present. I don't even think the aide was there; in fact, I know he wasn't usually there. He usually waited outside.

Q. We understand that sometime along about this time period in April, there was quite a bit of discussion going on between the U.S. and the ARVN as far as opening roads to Thien Phuoc and Tra Bong. Do you recall any of those? What can you tell us about these operations that were planned for the opening of these roads and to open up the countryside adjacent to the roads? I think that road opening is maybe a poor term--

A. (Interposing) I understand what you mean, sir. I know they wanted to open the one into Thien Phuoc.

Q. Well, that's the one you'd be most interested in. You'd been interested in the other one, too, in the 2d ARVN Division.

A. Both areas were in 2d ARVN Division.

Q. ARVN headquarters would have been interested only in the Thien Phuoc; the other road was up in Quang Tinh, wasn't it, or Quang Ngai?

A. Let's see. Thien Phuoc was in Quang Tinh Province. Tra Bong was in Quang Ngai Province.

Q. I think you're right. Can you tell us about the time that these operations were planned?

A. Well, sir, I know there was some planning going on for those--

Q. (Interposing) There was some discussion about the utilization of some of the ARVN forces?

A. Yes, sir.

Q. You must have had quite a little bit to do in developing any intelligence connected with such operations.

A. Well, sir, I know General KOSTER and the Quang Tinh Province advisor were anxious to get the road open to Thien Phuoc. They in turn wanted the 2d ARVN Division to help provide troops for this operation. I believe they did initially but they were taken away because of enemy plans to attack Tam Ky and also other areas there in the 2d ARVN Division area. They felt that more important than helping keep the road open.

Q. Can you remember about when the planning took place? This would have probably been your first real bit of work with Colonel HUTTER.

A. Yes, sir, it was. About the time Colonel HUTTER came in there, shortly after he arrived, Colonel BOLTE I believe was the Quang Tinh sector advisor. And I think he and Colonel HUTTER discussed this operation a few times.

Q. Do you remember General KOSTER coming down to discuss that operation with Colonel TOAN?

A. No, sir. I don't remember him coming down specifically for that, to discuss that operation.

Q. Well, not the conduct of the operation, but to get some ARVN troops and so forth to participate in it.

A. It was discussed. I remember hearing the matter discussed. Whether it was discussed by the province chief and Colonel TOAN or by General KOSTER and Colonel TOAN. I just remember the thing being discussed. I am more inclined to believe it was discussed by the province chief and Colonel TOAN at a briefing.

Q. What was the real importance of opening the road in the area between Tra Bong and Highway 1 and Thien Phuoc and Highway 1?

A. Well, sir, just to gain government control of those areas and give the people access to government controlled areas, to try to protect them, give access to market and things of that nature.

Q. We understand that this did come about to a great extent.

A. Yes, sir.

Q. A lot of these people did eventually, not necessarily move in along Highway 1, but had access and by this means, came more or less under government control.

A. Yes, they also wanted to take supplies in to them, I believe. That was the purpose of the operation.

Q. Were there CIDG camps at both areas?

A. Yes, sir.

Q. So that basically was just about the closest form of government control and protection people out in that end of the line had.

A. Yes, sir, it was. In fact, I would consider it more under Viet Cong control than anything else, because they had a tough fight for survival out there.

Q. I'm thinking that there was some incident that might have happened that might relate this planning down to a little bit closer time.

A. Yes, sir?

Q. As far as the operation itself was concerned, you did indicate that you had to pull them back out for the defense of Tam Ky and the coastal area. Does that help you at all to bring back to mind?

A. As to the time?

Q. Yes.

A. The time of the road opening operation?

Q. Yes.

A. I would say it was probably around the last part of April or the first part of May.

Q. That's the operation itself?

A. Well, the planning and the operation had all taken place rather rapidly. They didn't plan any long range plan. They just had things and they happened hastily.

Q. But the planning was done as you recall. At least from what you stated previously, it was done during the early part of Colonel HUTTER's being there.

A. Yes, sir. Early part of this tour.

Q. Do you recall providing any intelligence or talking this over with Major PHO or anybody else?

A. Well, we exchanged information with each other and also the Americal Division as to the enemy units in the area and what operations it would take to contain these forces or neutralize them.

Q. As I recall, there were quite a few enemy base areas located not too far distant from each of these areas?

A. Yes, sir. Enemy unit and base areas all through that area.

Q. Well on a different subject, Major EARLE. As I recall, and I'm not sure exactly what the time period was, a threat had developed against Quang Ngai City, not during Tet, subsequent to Tet. They were thinking Quang Ngai was going to be hit by two or three regiments and also the fact that they would probably be hit by rockets. Do you recall that? I remember reading it in a MACV intelligence summary when I was in II Corps.

A. We had a lot of reports concerning that particular operation after Tet. Yes, sir. I remember receiving reports of that nature.

Q. Two areas I remember were Danang and the other Quang Ngai city. I repeatedly heard Danang, but I was interested in Quang Ngai City because even though it wasn't under my operational control, I had a brigade around this area--the 3/4 Division, if you recall.

A. Yes, sir. Well, we received those reports frequently and later it did happen. They hit pretty hard in that area with rockets and ground attacks.

Q. That's Quang Ngai City?

A. Yes, sir.

Q. Which direction did it develop from?

A. It came from the west, the mountainous area over toward Tra Bong. Tra Bong was also hit many, many times.

Q. What was this, from elements of the 3d NVA Division, possibly the 2d?

A. Both of them, I believe, sir. And also local VC elements.

Q. I wish you'd think over again while you're here with us, Major EARLE, about anything that may have transpired in your discussion with Colonel GUINN.

A. Yes, sir.

Q. Is there anything that you might add about your discussion with Major PHO and possibly about any meetings which may have taken place between General KOSTER and Colonel TOAN at headquarters 2d ARVN Division?

A. Yes, sir. Sir, I've searched my memory from stem to stern and every action I did during that period of time since our last meeting here and tried to come up with additional factual information. I just can't recall definitely anything else that even possibly took place there.

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Q. Well, before we recess, Major EARLE, I would simply like to recaution you that you have been directed not to discuss your testimony.

A. Yes.

Q. I don't need to caution you any further?

A. No, sir, you don't have to.

IO: The hearing will recess at this time.

(The hearing recessed at 1513 hours, 26 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: GLAFF, William O. LTC

DATE OF TESTIMONY: 6 March 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G5 Advisor to the 2d ARVN Division, Quang Ngai, Vietnam.

1. KNOWLEDGE OF TASK FORCE BARKER.

Lieutenant Colonel GLAFF knew about the existence of Task Force Barker, but he only worked with the Americal G5, Lieutenant Colonel ANISTRANSKI (pg. 5). He knew none of the task force's staff (pg. 5). Although the Americal liaison officer briefed the 2d ARVN advisors daily, the witness did not recall the 16 March 1968 My Lai operation (pg. 6). GLAFF knew no one in the command or staff of the 11th Brigade (pg. 16).

2. KNOWLEDGE OF REPORTS AND INQUIRIES.

GLAFF was vaguely familiar with a report from the Son Tinh District chief to the Quang Ngai Province chief alleging that U.S. forces had killed many civilians in Son Tinh District (pgs. 7, 8). His recollection was not from reading VC propaganda alleging a massacre (pgs. 9, 10). His counterpart, the 2d ARVN G5, Major KHIEU, did not mention the allegations to him as GLAFF recalled (pg. 11). He did not recall that the allegations were considered as only VC propaganda (pg. 11). GLAFF had no knowledge of an investigation of the 16 March operation by the ARVN, GVN, or U.S. authorities (pg. 17). If Lieutenant Colonel GUINN had knowledge of the allegations, GLAFF assumed it must have come to him through Vietnamese channels (pg. 18). GUINN

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never mentioned anything about a report from a census grievance team (pg. 18).

3. OTHER INFORMATION.

a. The witness did not have a close working relationship with Major HANCOCK, the 2d ARVN Division G3 advisor (pg. 13).

b. KHIEU wore two hats. He was deputy chief of staff for operations and logistics and also for political warfare (pgs. 12, 13). KHIEU was the best tactical ARVN officer in the Quang Ngai City area (pg. 14).

c. The witness was not privy to the meetings of Major General KOSTER and Colonel TOAN (pg. 15).

d. The witness had discussed the My Lai incident with Colonel PERRY and Captain MCGRATH since the story broke in the news media (pg. 21).

[illegible]

(The hearing reconvened at 0905 hours, 6 March 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTC PEERS, MR MACCRATE, COL ARMSTRONG, and MAJ LYNN.

Sir, the next witness is Lieutenant Colonel William O. GLAFF.

(LTC GLAFF was called as a witness, was sworn, and testified as follows:)

Colonel GLAFF, for the record, will you please state your full name, grade, Social Security number, organization, and station?

A. Lieutenant Colonel William Otto GLAFF, current station is Hurlburg Field, Auxiliary Field 9, Eglin Air Force Base, Florida.

RCDR: Thank you.

IO: Colonel GLAFF, have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir. I have.

Q. Do you understand them or have any questions concerning them?

A. No, sir. I have no questions, sir.

Q. On my left is Mr. MACCRATE. Mr. MACCRATE is a civilian attorney who has volunteered his services to Secretary RESOR to assist in this investigation. He also provides legal counsel to me and other members of the investigation team. On my right is Colonel ARMSTRONG, an Army colonel who has been designated by the Office of the Chief of Staff to assist in this inquiry. Either of these gentlemen as well as myself may address questions to you this morning. We have other groups who have been taking comparable testimony from other individuals.

We are in the process at the moment of preparing a report and weighing the evidence to determine the findings and recommendations. I might say for your benefit that we

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have been in this inquiry now for approximately 3 months. We have talked to about 400 people, including a large number of people from the advisory offices, the advisory elements at province, both the civilian members and the military, likewise at Son Tinh District and also the advisory group with the 11th Brigade and the Americal Division, and the Vietnamese. We do have a good insight into the situation, and also we have collected a large amount of documentary evidence.

For the record, Colonel GLAFF, would you indicate what your duty assignment was in March of 1968? How long you had been in that assignment? Any changes of assignment you may have had? And when you terminated such assignment?

A. During this period in 1968, I was the G5 advisor to the 2d ARVN Division, which was headquartered there in Quang Ngai. I arrived in country on 10 July 1967, and I had the position as G5 advisor. Also, periodically I would also serve as the RF/PF advisor to the division deputy chief of staff for RF and PF. That was my assignment at that time, sir.

Q. How long did you remain in that capacity?

A. I remained there until I departed Vietnam on 8 July 1968.

Q. You were there just about a full year, then, in that same position?

A. Yes, sir.

Q. So you should have a good insight as far as the functioning of the team is concerned and the functioning of the division and its relation with the U.S. elements and so on?

A. Yes, sir.

Q. Now, with respect to, and I'm talking only about the March and April time period, with respect to that particular period, what did your duties entail?

A. I'm trying to go back. Right during this particular period, being immediately after the Tet Offensive, the ARVN and RF and PF located right there in Quang Ngai area were working quite extensively in trying to assist the civilians in cleaning up some of the areas immediately adjacent to the citadel there in Quang Ngai. It had been destroyed by grenades, artillery fire, mortars, helicopter gunships, and one thing and another. I was working at that time primarily with my counterpart, Major KHIEU. We were going around to the hamlets right there in the immediate area of the citadel. He was more or less supervising the cleanup and one thing and another, trying to help the civilian personnel primarily to get their houses, the area cleaned up, so they could start rebuilding. I'm sure that this would have been right during this period. In fact, we have had one of the teams from Saigon, one of the military photo teams come up there, and I believe it was right during this very time frame we are speaking of here. They were taking pictures of what was going on in the area at that time. That's pretty much what we were doing at that time.

Q. About this time you had a change in responsibilities, not you, but the 2d ARVN Division. Up to about, let's say, March or this period, the 2d ARVN Division had been pretty well controlling all of the activities of the provinces located within the TAOR of the division, but the provinces were now no longer under the division commander but reported directly to the corps commander. This caused a little change and it took some time. There was quite a transition period in there before it became effective. So I can see how this situation you are talking about was going on in Quang Ngai City under the G5, instead of under Colonel KHIEN, the province chief.

A. Well, even though this is what the stated objective was, the two province chiefs still worked pretty much under Colonel TOAN. I don't know if he was general at that time or if he was promoted a little later on. He still had a pretty heavy hand as far as this is concerned, because he was responsible for the two provinces, Quang Tinh and Quang Ngai.

Q. Did Major KHIEU have any responsibility for psychological operations?

A. Yes, sir. The PSYOP actually fell under Major KHIEU, but during the Tet Offensive the one lieutenant whom he had that was trained in PSYOP, Lieutenant TRUY, was killed in this area. He had a young aspirant there who was later promoted to second lieutenant. He tried to fill in, but he just didn't have the training and knowledge. I tried to help the young man as much as I could, but it wound up more like I would have to do the job. He just had no knowledge on it whatsoever, and my knowledge was relatively limited.

Q. Now, this is coming clear down in to the month of April and--

A. (Interposing) Yes, sir. This person, I can't recall his name, now, began to fill in for TRUY after TRUY was killed there in the Tet Offensive. We didn't know what had happened to TRUY for a month afterwards. He had gone up there on leave, and that was all. Then this young person tried to fill in, but had neither the training nor the knowledge to adequately handle the job.

Q. In your capacity as the G5 advisor, did you work closely with the G2 and the G3? I'm talking about the advisors and their counterparts.

A. No really, sir. I did with the advisors, but as far as working, actually working with the G2 and the G3, not really that much. I knew them, and when I was the OC duty officer or something of this nature, and something of either operational or intelligence value came up and the ARVN G2 or G3 came in, I would work with them. Then, of course, I knew them quite well. The G2 was there--the same G2 for the ARVN division was there--I believe during the entire period I was there and the G3 was replaced, 3 or 4 months after I was there. The G3 that was in at that particular time had probably been there 2 or 3 months. It was the same G3 for the balance of the time, so I knew the man well.

Q. Well, what was your relation with Task Force Barker?

A. I had really nothing to do with them at all, sir. The Americal had their own AO, and any dealings I would have

with Americal from the PSYOP or from the pacification standpoint was pretty well done through Colonel ANISTRANSKI who was the G5 for the Americal Division, and then a couple of his assistants whose names I don't recall any longer.

Q. Do you remember Major HOLTOM, PSYOP officer?

A. No, sir. I don't. I dealt with these people primarily by telephone. Colonel ANISTRANSKI and some of these others I may have met up at Danang when they had a meeting up there or something like that, but not enough to say I really knew the gentlemen.

Q. You were aware of the existence of Task Force Barker?

A. Oh, yes, sir.

Q. Did you know Colonel BARKER, himself?

A. I had seen him, sir, and that was all.

Q. How about his executive officer or his S3, Major CALHOUN, or his S2, Captain KOTOUC?

A. No, sir. I remember the incident when the aircraft went down out there at the Batangan Peninsula area. As far as knowing these people personally, no, sir.

Q. Did you ever visit LZ Dottie?

A. No, sir.

Q. Looking at this blowup we have back here, Colonel GLAFF, you will notice Quang Ngai City is just across the Song Tra Khuc in the southwest corner of the map. The area we are focusing on here is Son My Village, the eastern-most village of Son Tinh District. Generally, the area shown in red, actually that isn't the outline, that happens to be the AO extention of Task Force Barker, which they had obtained from the 2d ARVN Division and from province, extending down from the Batangan or the operational area called Muscatine. Were you aware of the fact that they conducted a couple of operations in there during the month of February 1968, one

on the 14th and another on the 23rd? I recognize I'm taking you back a long way now. That's over 2 years ago.

Q. Well, sir, I don't mean to throw a lot of extra garbage in here, but we had daily briefings at the team headquarters for the advisors. Part of the briefing was conducted by a liaison officer we had from the Americal Division. Whenever there was an operation of any magnitude whatsoever, the liaison officer from the Americal Division would be briefing on it. So anytime anything of any significance occurred at all, we always heard about it. Some of them were really very minor things, just about anything they did, we were kept apprised.

Q. Well, the operation we are focusing on here is an operation that actually took place in the Son My area on 16 March, about the middle of March. This was the most successful operation that the 11th Brigade had conducted since they had been in country, at least reported to have been the most successful. The results were 128 on the first day, 128 VC KIA, 2 U.S. KIA, 11 U.S. WIA and 3 weapons captured. Do those figures mean anything to you?

A. No, sir. They don't.

Q. Do you recall the operation or anything about it?

A. Sir, ever since this thing came to light, I've really scratched my head to try to recall anything with reference to this time frame, and I just don't remember. As I said, the Americal briefed every day, and to try to select any one specific operation, I just can't pick it out.

Q. Well, the focal point here, the fact that it is so close to you, about 6 to 9 kilometers, and with the pressure the 48th Local Force Battalion, generally from this area and the Batangan, had been putting on Quang Ngai, it would appear to me this would be quite good news, to have 128 fewer of them.

A. Yes, sir. It would have been. I just don't recall this specific one. We had ARVN operations out in there that I would be more familiar with than the Americal, that were a little bit closer to home.

Q. A matter of fact, the ARVN were with the 11th Brigade on the operation of the 23rd. Do you recall that one?

A. Sir, I don't recall dates on this at all, but I recall several operations that were run out in this particular area. You know, they may have been prior to this, in which ARVN went out there. From what I remember, it wasn't too much in conjunction with the U.S. forces. They had a couple of real fine days. They went out one day, and they had somewhere in the vicinity of 70 odd VC. They had zero of their own casualties. Then in another case, one similar to it, I think they lost just one or two WIA. But the time frame, sir, I just couldn't say definitely.

Q. Well, you attended these staff briefings of the advisory element at the MACV compound?

A. Yes, sir. It was right there in the headquarters.

Q. I take it that all of the key advisor personnel were there, including in the April time frame in particular Colonel HUTTER?

A. Yes, sir.

Q. Colonel CROMWELL, Major HANCOCK, Major EARLE, yourself, and the other key advisors. Do you recall at one time, along about the middle of April, Colonel GUINN indicating to the group that he had received or had a copy of a report from the Son Tinh District chief to the Quang Ngai Province chief to the effect that the Americans had killed a large number of civilians up in eastern Son Tinh District?

A. Sir, what you mentioned sounds familiar, but I don't know if he mentioned this at a briefing in the morning or what. But the incident, it does have a familiar ring to it, but I'm not positive, although something like that should stand out.

Q. Yes. I wish you would think real hard on this one, because we are trying to fill out some of the details. We know quite a little bit about it. We understand that this was brought up in this staff briefing, and that after the staff briefing at least Major EARLE and Colonel GUINN talked

about it. There were other people present with you. We haven't been able to get the entire audience. They just stood around and talked rather informally about it, discussing this letter from Lieutenant TAN to Colonel KHIEN. Then they would talk about Son My Village, and also there is reference to a letter from the village chief of Son My.

A. Sir, what you said there had a familiar ring to it. I was extremely good friends with Major EARLE and all, but, sir, I could not definitely say I was involved in the discussion. What you say sounds familiar, and that's all.

Q. Well, did you ever see any Viet Cong propaganda, which alluded to such an event, either a leaflet or possibly a transcript of a VC broadcast?

A. Sir, the only leaflets I recall seeing were more of a general nature like a VC "Chieu Hoi" leaflet, that we refer to as "Chieu Hoi", in reverse, type leaflet. I don't recall seeing anything that they had put out on anything specific.

Q. I have here an inclosure to Exhibit R-1, which is a transcript of a VC broadcast translated into English. There are two pages of it, and I would ask you to look at this to see if this ever came to your attention, just those two pages.

(The witness did as instructed.)

A. No, sir.

Q. Well, just read on just a little bit.

A. Yes, sir.

Q. That's all.

A. No, sir. I have never seen this, because there is stuff in here I'm sure I would have remembered if I had seen it before, right there on the first page.

Q. Doesn't it seem somewhat unusual to you? Here you are the G5, amongst other things, the civil affairs and PSYOP officer, so to speak. We know this is in the headquarters, we

know other Americans have seen it. We also know a copy of this went to the Americal Division. Doesn't it seem strange that you wouldn't see this?

A. I know I didn't see it. As I said, there are paragraphs on there, certain wording, I'm sure if I had read it I would have very definitely remembered it. Things of this nature that came in, I always read completely.

Q. As I would understand it, you in your advisory team had a system there where you had a reading file, which you circulated, in which some of the more important documents of the Vietnamese, let's say from a G3 section, would be together and would be circulated for the benefit of the G2, G3, and G5 and the executive officer in that manner and so forth, is that correct?

A. Sir, my office was about 3 blocks from where the headquarters was. Now, they may have had a reading file which circulated in the headquarters itself, but my office was with the Vietnamese. If there was anything classified or anything of that nature, it would never have come down into the area where I was. Now, there could have been a reading file in the headquarters, and there were boxes that were put in over in the TOC, and things would be circulated through these boxes periodically. We would pick them up and read them, the other advisory staff officer, whoever had an initial on the particular document. As far as a reading file survey, I didn't get one down at the G5 office.

Q. I have here another document, which is Exhibit M-36, dated 12 April, and this is an inter office memorandum from Major PHO.

A. Who, sir?

Q. Major PHO, the G2.

A. Oh, yes, sir, to Colonel TOAN.

Q. Subject: "The Americal Unit Operating in East Son Tinh on 16 March 1968, Shot and Killed More Than 400 Civilians." Here is the Vietnamese version and English translation on top. You might look at that very carefully. It would be the first two pages.

(The witness reviewed Exhibit M-36.)

A. No, sir. I have not seen it.

Q. You will notice on that, the handwriting of General TOAN with his mark at the bottom there on it. You will notice by your index finger on your left hand in the English translation what General TOAN had to say. We understand that this particular paper was circulated within the advisory staff.

A. Sir, if it was circulated, either I didn't see it or I don't recall having read it. But once again, it's something significant enough, I would remember it. Anytime, there was some sort of a problem that the U.S. troops were doing in the area, Major KHIEU would come to me and sometimes they were relatively insignificant things, engineers working on a road down south of Quang Ngai, kids going to school and they were whistling at girls, stuff like that. I can't recall anything of any serious nature at all right offhand. I would of course go to Colonel CROMWELL, who was my immediate superior, deputy advisor or would get in contact with the unit commander and apprise him of the situation, that the Vietnamese would like him to knock the thing off. Of course it is poor relations and so forth. But anything of this nature, I have never been in contact with the Americal or anyone else on. This could have been handled, say, primarily through sector, dealing with the Americal Division rather than with the team dealing with the Americal since the complaint comes through, actually, more of the civilian channels than it did through military channels. The two are completely separate. Quang Ngai Province had their own PSYOP program right straight down the line. Of course the division had it for some period of time, had the PSYOP program and Captain SPELTZ was there most of the time. Carl SPELTZ coordinated some of it with him, but what he wanted to do and what they did was really completely separate. I had no control over their operations from this standpoint.

Q. Well, you indicated before, when I mentioned this to you, you heard it some place. Now with these papers not being referred to you, where did you hear all this that some Americans had killed some Vietnamese? Where did you hear this?

A. Sir, it must have been as I said before, what you had stated as far as Colonel GUINN coming making this statement. The only place it could have been would have been at the daily briefing. I didn't have that much to do with Colonel GUINN personally. I was a major at the time and he had his own shop and his own people. I didn't work too much with the sector personnel.

Q. Well, you're working with Major KHIEU and this sort of half way between the military and civil side and and the RF/PF and reconstruction and that sort of thing and you're hearing things. Anything about the Americans? Did Major KHIEU ever mention anything to you about anything of this nature?

A. No, sir, not that I recall. Major KHIEU and I got along quite well together. I'm trying to recall any time that he would come to me personally and say anything that would be derogatory about U.S. forces or anything concerning the U.S. No, other than when there was actually a complaint that came in from some of the villagers such as I mentioned earlier, that had gotten to him. I had contacted Americal on that.

Q. Was there any consideration at the time you heard about the Americans, perhaps or the report of the Americans having killed some Vietnamese? Was there any correlation of this with the fact that it may have been propaganda, not the report but VC propaganda or something to that effect?

A. I could have seen it, sir. It may have been sluffed off as propaganda. I don't know. However, if it got into Colonel GUINN, then it would have been dealt with primarily between Colonel GUINN and Colonel HUTTER. An incident of this nature is far above what they ever would involve me personally in. That would have been handled in their command channels. I don't think anything of this nature would have gone down to a staff officer level. I think this would have been more a commander to commander operation to try to straighten out rather than one staff officer to another.

Q. If you look back in that document you have, you will see the letter which was the very last of two inclosures. Now this is a Vietnamese version under those two pages. You will notice it is signed by Lieutenant TAN, the district chief. You might read this one very quickly. You will notice on that particular document which you just read, which is dated 11 April, at the bottom of it you will notice the distribution. Although it was addressed province chief, Colonel KHIEN and Colonel TOAN also received a copy of it and also it's addressed to MACV, Quang Ngai Sector, basically, Colonel GUINN and a civilian superior Mr. MAY. Also there was a copy as well provided to the Son Tinh District which would have been Major GAVIN, you probably recall. Had you by chance seen this document or heard anything about it?

A. No, sir, not that I recall.

Q. With Major KHIEU having the field troops in Quang Ngai City and so forth that he must have had, did you have any indication of an upsurge of the number of people that were going to the Quang Ngai City hospital and the military hospital?

A. No, sir. Once again that was MILPHAP, that actually handled the hospital side of it. I was trying to recall the best of my knowledge. I had never been in the province hospital down there. There was a road there in the city. I had passed it but never been on it. We wouldn't have had anything of this nature to come in even through Major KHIEU, to the best of my knowledge, from the position that he was in.

Q. It's not quite clear in my mind exactly what Major KHIEU did. You indicated he was clearing up. But above and beyond that, I'm not sure what he did.

A. Sir, he had two jobs actually. He was the deputy chief of staff for operations and he also was deputy chief of staff for political warfare. So after maybe a month or 2 months, he wound up assigning Major KHIEU both jobs. He was concerned about the operations since he was deputy chief of staff on operations and also deputy chief of staff on political warfare. The man really had two jobs. Naturally he was more oriented towards the operations side. This was my opinion, and this is what he probably was trained for and was more interested in. He spent the bulk of his time on this and the carry over and the other part of this job. These places were 2 to 3 blocks apart.

Q. Did he work over in the 3 shop or work over in this shop 2 or 3 blocks from there?

A. Both, sir. He would spend sometime in both of the offices.

Q. He must have had quite a close relationship with Major HANCOCK.

A. Major KHIEU?

Q. If Major KHIEU was also working in operations, which is the 3 business, you in your relationship must have worked very closely with Major HANCOCK then?

A. No, sir, not duty wise. I did not. They had a G3 and also they had Major KHIEU there who is deputy chief of staff for operations as I said. Actually what Major KHIEU's relationship was to the G3, just how much he controlled them, or any of the rest of it, I don't know. Most of Major HANCOCK's dealings were directly with the ARVN G3. How much he actually became involved with Major KHIEU, I don't know. Everyone there knew Major KHIEU as a very likable individual on down the line. But as far as Major HANCOCK's working relationship with him, I don't think Jim had too much to do with him at all.

Q. Well, what I'm getting at, maybe I just don't quite see this, but here you have the G3 who's the operation officer, right?

A. Yes, sir.

Q. Then you have Major KHIEU which is the deputy chief of staff for operations.

A. I think it is operation and logistics, sir. I'm not sure. He may have had the supervisory responsibility for the G3 and the G4 both. There were two names on the things. It was operations and I don't remember if it was intelligence and logistics. I'm just not that sure of it.

Q. In that capacity, who did he check in with, with the chief of staff, Colonel DONG?

A. He dealt pretty much with the chief of staff or with the division commander himself. Now when there was something really hot that came up and they had to have somebody take care of an operation and run things, right away Major KHIEU was the one that went. Like right after the morning after Tet, when Colonel TOAN took on off with the APC company, the officer he took with him was Major KHIEU. From what I understand from some of the advisors there, Major KHIEU, from the ground standpoint, was immediately under Colonel TOAN for controlling the operation.

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They had a couple of battalions of ARVN and a couple of U.S. battalions. Concurrent with that was another operation going on due west of Quang Ngai, an operation called Norfolk Victory. The first one was called Norfolk Victory I. Both of these were started on the same day. Burlington Trail was participated in on the U.S. side by the 198th Brigade and the operation south, in the area of Norfolk Victory, had one battalion, the 1/20 on the U.S. side and also one company C/4/3. Both of these operations kicked off on 8 April. Do you recall these operations?

A. I definitely recall Burlington Trail, sir, because it was quite a thing to open that road up. We got quite a bit of publicity. They took convoys back in there, one thing and another. Norfolk Victory, the name I recall. As far as the outcome of the operation I don't know unless this is the one where ARVN forces were in back along the ridge line there where they found a tremendous ammo dump. Now I don't know if it was during this Norfolk Victory or not.

Q. This first Victory went on from the 8th to the 19th when it was terminated. It began again on 1 June, if I'm not mistaken and continued sporadically on after that. Going back to Burlington Trail, the operation kicked off on the 13th. The U.S. units, in the upper part base area 117, which was just south of the highway, received quite a heavy mortar attack in which they had 21 of their soldiers wounded. Actually the forces in Burlington Trail were getting under pretty heavy pressure. Now we understand there was some meetings that took place at the 2d ARVN Division headquarters in which General KOSTER came down and conferred with Colonel TOAN. Do you recall this?

A. No, sir. General KOSTER was in and out of Quang Ngai quite frequently, you might say. To have him come down with reference to an operation, this would be within the time, would be common knowledge that General KOSTER was down. It's nothing of any great significance that you would catch to it, because to me it seemed rather frequently.

Q. Did you attend any of these meetings?

A. No, sir. This is one of my big complaints. They ran all these operations in there but they never really tried to get the PSYOP play in it that they could have. They kept their operations as one thing, and their PSYOP was something else. To me it was one of the breakdowns of the program over there. They never really got the two together to try to make

anything of it. As a result, they would have an operational meeting in reference to Burlington Trail for example, a chance to possibly make something out of it and never did. To me it was a breakdown in the system and that's all there was to it.

Q. What was your relationship with the 11th Brigade?

A. About zero, sir, I knew Colonel WARE.

Q. He had the 3d Brigade of the 4th--

A. (Interposing) I don't even recall who the commander was of the 11th Brigade.

Q. They first came in with General LIPSCOMB. On 15 March, it was Colonel HENDERSON.

A. No, sir. I don't even know him.

Q. How about his G2, Lieutenant Colonel BLACKLEDGE?

A. No, sir.

Q. Major MCKNIGHT?

A. No, sir.

Q. Do you know Captain KESHEL, the S5?

A. No, sir.

Q. We discussed before, your relations with the Americal Division. You indicated one individual you did deal with was Colonel ANISTRANSKI.

A. Yes, sir.

Q. Did you ever sit down and talk to ANISTRANSKI about any of these activities?

A. No, sir. One time Colonel ANISTRANSKI was there in our compound that I recall. He came in there and stayed over night one time. We were discussing some of the operations that had gone on, particularly in reference to Binh Son. I believe

it was Binh Son District headquarters that was overrun and he had been in there the night before. We sat there and we talked about this quite a bit. We dealt mostly with the people up there in I Corps G5. We used to do a lot of our complaining to the people up there at I Corps headquarters.

Q. Who was the G5 Advisor at I Corps?

A. Sir, the actual G5 was a lieutenant colonel. I think I only met him one time. He spent most of his time in his office in the compound and he had a major and sometimes two majors actually running the office in there. I don't remember their names. I know one of them was an armor officer and his predecessor was artillery. I don't recall what their names were.

Q. Did you know that an investigation was being conducted by the ARVN?

A. No, sir.

Q. Or the GVN?

A. No, sir.

Q. You were not aware of it?

A. No, sir.

Q. Were you aware that there was an investigation being conducted on the U.S. side?

A. No, sir.

Q. Did you ever hear anything either directly or indirectly or, overhearing some comment or something that would cause you to suspect that something serious or most unusual took place in Son My or My Lai, or Tu Cung or the southern end of Son Tinh District on or about the middle of March?

A. No, sir, other than what you mentioned earlier with Colonel GUINN and what I recall, what you say, might be mentioned in a daily briefing.

Q. What did Colonel GUINN say, do you remember?

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A. Sir, a G5 advisor is as far as I'm concerned next to nothing. I felt like it was for me, from the experience I had in the past in the Army, it was probably the least lucrative, the lowest position that I have held in the Army in years.

Q. But you were in the compound in Quang Ngai; you were living there with these other officers. You have indicated to us that you were very close friends with Major EARLE.

A. Good friends.

Q. You shared a lot with him and it just seems very peculiar that Major EARLE has so much better recollection of things than you have. I said to Major EARLE after he had described to us a great many things that were going on right around you, being talked about right around you;

"Q. Major EARLE, you have told us that you heard from Colonel GUINN about the VC propaganda leaflets, that you heard from Colonel GUINN something about the district chief's report, that you heard from Colonel GUINN, that the province chief had someone looking it up through his channels, and that you finally heard from Colonel GUINN that he was seeking additional information about this matter. You said all these things to us this afternoon?

"A. Yes, sir."

I just read that to you as a summary of what Major EARLE recalled at the time he came before us. Now is it your testimony that you remember none of these things that Major EARLE told us about?

A. Sir, I could say yes on some of these but I would probably have to lie. I'm telling you exactly what I recall. To fabricate something from what I read in the newspaper like that, I'm not doing this. As I said before, Major EARLE, Major HANCOCK, the deputy senior advisor was in one building, I was over 2 blocks removed from this thing. They had conferences up there. To the best of my knowledge Colonel GUINN probably didn't even know where it was.

Q. But after hours, where were you?

A. Sir, after hours, one thing we talked about when everybody gathered in my room was hunting and fishing. As far as a lot of the rest of this, it was real nice to leave it after hours. If Tom EARLE told me something about this, it may have been in a passing conversation and I didn't pay that much attention to it. As far as being involved, I have stated the truth to the best of my ability.

Q. It isn't a question of being involved in it. You seem so intent in disassociating yourself from having anything to do with this. It isn't a question of being involved in this. It is a question of having your ears open and hearing what is going on around you. Others who were not involved in taking any action and had no particular responsibility to act, had their ears open and they heard what was going on. This is the kind of information we are seeking from you.

A. I'm sorry, but if it happened up there in that headquarters I didn't spend time up there. For the daily briefing, yes. Then I left there. What went on after that, which is where 99 percent of the business of the advisory group took place, you're just not involved in it. You just don't get the conversation or any of the rest of it.

IO: That will hold water up to a point, but then when you start to describe Major KHIEU's responsibilities, which was half in that building and half over at the other compound, didn't you have anything to do with these other duties he had?

A. As far as the operational side, no, sir. Now his office for operations, well, the compound was in a U-shape and it was across from our headquarters. This I had forgotten until you mentioned it just now, also in a headquarters building he had another desk in there. What that was supposed to be for I don't know. The man had three desks that I know of and spent the least amount of time over here as the deputy chief of staff for political warfare.

MR MACCRATE: Since this matter of the Son My incident came to public attention, have you read any conversations with members of the advisory team in Quang Ngai or Son Tinh, the 2d ARVN Division?

A. Well, there is one member of the team that is stationed with me down there, Colonel PERRY. But he was located up at Tam Ky. He was the deputy senior province advisor up there. We discussed this thing many times and trying to recall anything that was associated with it, which I don't. Everybody likes to show how smart they are and how much they know about something, first-hand account, and I guess I'm just as much like the rest of them but I remember this and so on and so forth on down the line. I just didn't recall it. I just don't know about it.

In addition to Colonel PERRY, have you spoken to anyone else?

A. We had one captain that went through the school there on his way back to Vietnam and I don't know that we discussed it with him. I'm trying to think who else I have seen from the team.

Q. Who was the captain?

A. I think MCGRATH was his name. I knew who Captain MCGRATH was over there. He was up out west of Tam Ky on Hill 198 when I met the man. I know when he came through and we talked some about what we had done as far as these particular incidents. Whether they discussed this with him, I don't know. Very probably they did if it was in the paper.

Q. Do you have any records that you have brought back with you from Vietnam relating to the time you were there that would provide any schedule of events, anything of that sort?

A. Sir, I kept nothing even remotely resembling a diary. We weren't supposed to. I didn't. I never have, as long as I have been in service.

IO: Before we recess Colonel GLAFF, I give you this opportunity to ask any questions you would like to ask and if you would like to enter a statement into the record?

A. Sir, I have told you what little I knew. I responded to your questions.

IO: Well, if as time goes on, now that you know the central theme of our interrogation here, if this information that you had received which you recall faintly, if this comes to mind, I'd very much appreciate your getting in touch with us

so that you can give us a little more information concerning this. I might say that with respect to another individual who was in a comparable position to yourself, having seen some of these documents and having been given an opportunity to think about it, came forth with quite a detailed expose of what he knew, because he knew the problem, the problem of trying to recall something that didn't really stand out in your mind but which took place about 2 years ago. To bring forth all the details is sometimes difficult so we're not expecting any superhuman memory, anything of this nature. But if these things do come forth we would like very much to know about it and Major LYNN will tell you how to get in touch with us so there will be no problem. I would remind you before we recess that you have been directed not to discuss your testimony with others, including anybody who may appear here as witness or who has appeared here as witness, except as you maybe required to do so before a competent administrative, legislative, or judicial body. With respect to the latter, legislative bodies, there is possibility the one which would probably be the most likely would be the investigative subcommittee of the House Armed Service Committee. If you were called to appear before that body or any other comparable body, your appearance here and your testimony here would in no way preclude or prevent you from testifying before that body.

(The hearing recessed at 1010 hours, 6 March 1970.)

SUMMARY OF TESTIMONY

WITNESS: HANCOCK, James H. MAJ

DATE OF TESTIMONY: 4, 5 March 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G3 Advisor to the 2d ARVN Division, Quang Ngai, Republic of Vietnam.

1. KNOWLEDGE OF THE 16 MARCH 1968 MY LAI OPERATION.

Major HANCOCK had visited Task Force Barker headquarters several times (pg. 3). Although the witness was probably personally involved with the Americal's request for an AO extension, it was such a routine matter that he did not recall the specific request (pg. 4). He recalled that an operation occurred in the vicinity of Son My. However, he did not recall any specifics (pg. 4), such as the body count or the weapons to bodies ratio (pg. 5).

2. KNOWLEDGE OF INQUIRIES OR REPORTS CONCERNING THE OPERATION.

Although the witness did not know of a report from a district chief to KHIEN, the province chief, he did recall a report through advisory channels wherein their Vietnamese counterparts advised them that the VC had left leaflets advising the populace that U.S. forces had entered a village and shot several hundred civilians (pgs. 9, 42). The witness received this report from Lieutenant Colonel GUINN, the deputy province senior advisor (pg. 10). HANCOCK understood that one of GUINN's advisors had learned of this from his Vietnamese counterpart and advised GUINN of it (pg. 10). GUINN said that "they were looking into it" (pgs. 10, 15, 16). It was during "off duty hours" that GUINN discussed this with HANCOCK (pgs. 10, 15, 16). HANCOCK did not recall ever

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seeing one of the VC leaflets which made these allegations (pg. 11). GUINN never mentioned receiving any reports from the Census Grievance Committee (pg. 11). The witness opined that if the VC leaflets which GUINN mentioned to him were discussed it would have been between himself and Major EARLE, the 2d ARVN G2 advisor (pgs. 15, 16, 38). HANCOCK initially did not recall discussing the allegations in any detail with GUINN or EARLE. However, later he recalled that GUINN received his information from Major GAVIN the district advisor to Son Tinh where the murders allegedly occurred (pgs. 35, 41). He was not positive that GUINN mentioned GAVIN (pg. 42). The VC report was considered propaganda (pgs. 16, 37). GUINN did not mention what action he would take (pgs. 19, 37, 41). Colonel CROMWELL, Colonel HUTTER, and possibly Lieutenant Colonel GLAFF, the G5 advisor saw the reading file containing the VC allegations of a massacre of civilians by U.S. forces (pgs. 16, 17, 35). The witness did not recall that he and GLAFF ever discussed the subject (pg. 18). GUINN never mentioned the VC wearing armbands, making posters, or calling for revenge (pg. 20). The witness did not recall GUINN ever referring to Captain RODRIGUEZ (pgs. 22, 23). The witness did not recall being at the meeting with Major General KOSTER, TOAN, and HUTTER (pgs. 23, 24). He never heard of a meeting between KOSTER and TOAN or General YOUNG and TOAN (pg. 43). HANCOCK had no knowledge of an investigation conducted by ARVN or U.S. authorities regarding something that may have transpired in Son My Village (pg. 26). He never suspected that something unusual had actually occurred (pgs. 26, 27). HANCOCK's Vietnamese counterpart never intimated that a massacre had occurred in Son My or that something had gone awry (pg. 27). HANCOCK knew of no followup on TOAN's instruction to advise the Americal Division (pg. 27). HANCOCK did not recall discussing the subject with HUTTER (pg. 37). It was his impression that GAVIN was fully aware of the allegations. HANCOCK never discussed it with GAVIN (pg. 42). Except for the meeting with HENDERSON and MCKNIGHT, the witness never discussed the subject with anyone else from the Americal Division (pg. 43).

3. HENDERSON-TOAN MEETING.

HANCOCK initially did not recall the 11th Brigade commander, Colonel HENDERSON, or any of HENDERSON's staff

(HANCOCK)

coming to his office and discussing an operation conducted in the Son My area (pgs. 24, 25, 27). However, he later recalled that HENDERSON accompanied by Major MCKNIGHT flew to Quang Ngai in early April and met with TOAN, HUTTER and the witness. HANCOCK also believed that EARLE, and Major PHO, the 2d ARVN G2 were there (pgs. 28, 35, 44). HENDERSON told them that he had questioned the soldiers of the company involved about their conduct. They purportedly told HENDERSON that nothing had occurred and HENDERSON said that he was convinced nothing had occurred (pgs. 28, 36). This meeting occurred in early April (pg. 29). He thought HENDERSON's leg might have been in a cast (pgs. 29, 40). HANCOCK did not recall what would have prompted TOAN to mention the allegations. He did not believe that a census grievance report was the subject matter discussed (pg. 32). The witness did not recall hearing of civilian casualties in normal conversation (pg. 33). With HENDERSON's indicating that nothing had occurred and that civilians had not been killed, the subject became a closed issue (pg. 36). HENDERSON did indicate that he himself had investigated the allegations (pg. 37). HANCOCK's impression was that nothing wrong had taken place (pg. 36), and that TOAN accepted HENDERSON's explanation (pg. 38). HENDERSON never mentioned KOSTER (pg. 38). The witness felt that the allegations were one of the reasons for the meeting between HENDERSON and TOAN (pg. 39). He did not get any indication that the Americal Division headquarters or staff had suggested the meeting (pg. 39). GUINN was not present at the meeting, nor did he recall discussing the subject subsequently with GUINN (pgs. 39, 40). He did not recall any documents being presented at this meeting (pg. 40).

4. OTHER INFORMATION.

a. HANCOCK had not discussed the My Lai incident with any of his cohorts since returning from Vietnam (pg.3).

b. The advisors to the ARVN's received two briefings every morning. There was an advisor's briefing, and the principle advisors also attended the 2d ARVN briefing (pg.6). GUINN normally attended the advisory briefing (pg. 7).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-30	Statement by CPT RODRIGUEZ, 14 Apr 68	Wit had never seen.	22
M-31	Census Grievance Report, 18 Mar 68	Wit had never seen.	32,33
M-32	TOAN's directive to investigate, 14 Apr 68	Wit had never seen.	14,15
M-34	Ltr, 11 Apr 68, from Son Tinh District chief to Quang Ngai Province chief	Wit had never seen.	8,9
M-35	VC propaganda leaflet, 28 Mar 68	Wit had never seen.	21
M-36	Memo from 2d ARVN Div G2 to COL TOAN, 12 Apr 68	Wit believed that he had seen this in the advisor's reading file	36,38 41,44
R-1	A true copy of HENDERSON's Report of 24 Apr 68	Wit believed that he had seen the attachment of a VC broadcast which is in a translated form. Wit had not seen the copy of RODRIGUEZ' stmt.	12,13, 22,35, 36

(The hearing was reconvened at 1307 hours, 4 March 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, MAJ ZYCHOWSKI, and MAJ LYNN.

Sir, the next witness is Major James H. HANCOCK.

(MAJ HANCOCK was called as a witness, was sworn, and testified as follows:)

Major HANCOCK, for the record, would you please state your full name, grade, Social Security number, branch of service, organization, and station.

A. James H. HANCOCK Jr. Major, Armor, assigned to Headquarters USAEUR, Office of the DCSPER, Heidelberg, Germany.

RCDR: Your Social Security number, sir?

A.

IO: Major HANCOCK, have you had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir, I have.

Q. Do you understand them or do you have any questions?

A. I understand them, sir.

Q. On my left is Mr. Robert MACCRATE, who is a civilian attorney. Mr. MACCRATE has volunteered his services to Secretary RESOR, to assist in the conduct of this inquiry and he also provides legal counsel to me and other members of the investigating team. On my right is Major ZYCHOWSKI from the Office of the Provost Marshal General. He has been assigned to this investigation team as an investigative assistant. Either Mr. MACCRATE or Major ZYCHOWSKI may also address questions to you this afternoon. Aside from this particular group we've had other groups that have likewise taken testimony from

other individuals and I will have the responsibility, of course, of putting together a report, weighing the evidence, and submitting the findings and the recommendations. Do you have any additional questions at this time?

A. No, sir.

Q. Major HANCOCK, would you indicate your duty assignment in South Vietnam, covering the period of March 1968, when you had the assignment, if there were reassignments you may have had, and when you finally terminated your assignment in South Vietnam.

A. Yes, sir. I was the division G3 advisor to the 2d ARVN Division, which had its headquarters in Quang Ngai City. I was in that assignment my entire tour which ran from July 1967 through May of 1968. I was curtailed by 2 months, because of emergency leave.

Q. So for all practical purposes you had a complete tour there right in Quang Ngai?

A. Right in Quang Ngai.

Q. I might indicate to you before we get started that we have already gone into considerable depth in this inquiry and that we have talked to, now going on to about 400 people, and we've been to South Vietnam, many places in South Vietnam including the headquarters of the 2d ARVN Division and Quang Ngai Province headquarters, Son Tinh District headquarters, and My Lai (4), among other places. And we have assembled quite a large collection of documents relating to this investigation. So we're pretty well down the road at the present time. Now this so-called My Lai incident became a matter of public knowledge about 4 or 5 months ago, that is in the latter part of September or the first part of October 1969. Since that time have you had any discussions with anybody from your advisory group, or from the Americal Division?

A. I can recall a personal discussion with only one member of the advisory team, that was a telephone conversation.

Q. Who was that?

A. This was a Major PETTERSON, I can't recall his first name, sir, he's a quartermaster officer, at present stationed in Nurnberg, Germany.

Q. What was his assignment?

A. He was the detachment supply officer there with our advisory team headquarters in Quang Ngai.

Q. And what was he calling you about?

A. Some friend of his that was being assigned to USAEUR, he wanted to know where he was going, I'm in the officer assignment business. He called to ask a question on that and then we just more or less passed the time of day. I didn't know he was over there until he called and we just, "How have you been?" and what we've been doing since our tour in Vietnam, but no reference to this incident at all, sir.

Q. Well, as the G3 advisor you were pretty well cut in on the operational procedures and how things were arranged and so on. How well acquainted were you with Task Force Barker?

A. Pretty well acquainted, sir, I visited their headquarters on several occasions. I knew Colonel BARKER. We went there to coordinate on various operations, make the normal liaison visits.

Q. Who is we?

A. Primarily my senior advisor, Colonel CARLOS, and then normally the division commander, Vietnamese division commander, and the division G3.

Q. Who was the division G3?

A. Sir, I can't remember his name.

Q. It might come to you in a little while. The division G2 I know was PHO, and the chief of staff was DONG.

A. Right.

Q. Well, you were then not only aware of the existence of Task Force Barker, but you were somewhat acquainted with its operations, is that correct?

A. Yes, sir.

Q. Do you recall having done any work concerning-- looking at this map (Exhibit MAP-1), to your rear which is a blow-up of the area--obtaining the AO extension for Task Force Barker along about the middle of March 1968?

A. Sir, I would have been involved with that. I don't remember that specific operation, because this was a normal function. When the Americal was operating in our area, if they needed an AO extension, it was sort of a routine matter to obtain it and I would have been aware of this. I don't remember the specific request for that operation.

Q. Well, do you recall the operation in Son My, 16 March 1968? There were two other operations that preceded this by Task Force Barker into the Son My Village complex. One was on 13 February and another was on 23 February.

A. Sir, the only thing I can remember about this operation is that there was one going on at the time. The way the Americal operated, their operations would begin and seemed to run continuously for several days. Sometimes right in the midst of an operation they would change the name of it or the number. I knew that they were operating in the 2d ARVN Division area, and I was aware that the operation was going on. I don't remember this particular operation by name and number. But the fact that they were operating there I was aware of.

Q. About the middle of March?

A. Yes, sir.

Q. And what do you recall having heard about this operation?

A. Sir, I can't truthfully say that I can recall anything specific about this operation.

Q. I think you knew that the operation was going on and you were acquainted with the 11th Brigade. As you probably

know this was the greatest success that the 11th Brigade had had since they had been in country. Do you recall the statistics that came out of the operation?

A. No, sir, I don't.

Q. Well, here on this day they killed 128, or reported to have killed 128. And they had 10 wounded, another 1 with a self-inflicted wound, and the enemy had, of course, 128 KIA, and the friendlies also captured 3 weapons. Now does this start coming back into focus with those figures, because those were put out in the division newspaper, they were put out in the brigade newspaper, they were pretty well known by everybody in 2d ARVN Division advisory group and Quang Ngai advisory group.

A. As I say, those figures don't really ring a bell with me. I can recall that they did have a good contact and if this was a particular operation, as I say, they operated continuously in this area. I can recall at about this time they did have some good contact. The numbers don't ring a bell with me, I'm sorry.

Q. Now let's shift for a little while and talk about the staff briefings which took place at 2d ARVN Division headquarters, on a daily basis. Would you describe those for us please?

A. Normally started with a brief run down by our G2 advisor on enemy activity during the past 24 hours and the enemy initiated incidents or attacks.

Q. Now this is a combined briefing?

A. No, sir.

Q. This is the U.S. briefing?

A. This is the U.S. briefing and we, the advisory team, did not--well I guess we would average 4 out of 5 days attending a joint ARVN-U.S. briefing. Do you prefer, which briefing do you want me to--

Q. (Interposing) Well, I'd like to know which were given plans.

A. To begin the morning, we always had an advisory briefing, this was strictly for the advisory team.

Q. What time did that start?

A. This was about 0730 as I recall, sir, and this was usually followed at about 0800, or 0830 by the ARVN briefing which the principle advisory staff attended also.

Q. Who did the briefing in the ARVN?

A. The ARVN, the G2 or the G2 air--

Q. (Interposing) No, I mean was the briefing done by the ARVN or done by the--

A. (Interposing) Done by the ARVN and they had a translator and we wore the earphones, simultaneous translation, and it was done by the ARVNs, G2, G3.

Q. What time was those briefings normally over?

A. They usually lasted about 30 minutes, sir, so normally if they started at 0800, it's over by 0830.

Q. Did you have a big run down on Monday morning?

A. Yes, sir, we had a weekly recap on Monday morning.

Q. Of the previous week?

A. Of the previous week, yes, sir.

Q. And what about Saturday mornings?

A. Saturday nothing special that I can recall, sir.

Q. Have a briefing on Saturday too?

A. I'm trying to remember. I believe so on Saturdays, yes, sir, it was a 6-day affair, I know they didn't have one-- the ARVN didn't have one on Sunday, but the advisory team usually has a short one on Sunday.

Q. Now who aside from the key members of your own advisory team, who else attended those briefings, either your preliminary briefing or your combined briefing with the ARVN?

A. The Americal liaison officer. A Marine liaison officer, when we had him. He wasn't there my full tour and wasn't replaced when the old one left. That was usually it, sir.

Q. How about a representative from province?

A. Not always, no, sir, not a routine basis, province representative was not there, or if he was he was some lieutenant, ARVN lieutenant that sat in the rear and I didn't notice.

Q. What about province advisory group?

A. No, sir, they usually were not there, excuse me, the province senior advisor usually attended the advisory briefing, but normally didn't stay for the ARVN briefing.

Q. You are referring to Lieutenant Colonel GUINN?

A. Lieutenant Colonel GUINN.

Q. Lieutenant Colonel GUINN was deputy province senior advisor to Mr. MAY.

A. That's right.

Q. Senior military representative.

A. Yes, sir.

Q. Did those individuals ever brief at your informal briefing or prebrief, did they ever brief and go over things within their area of interest?

A. Yes, sir, when they had something, they were called on as a matter of course and whenever they had something to give they gave it, not every day did they have anything to brief.

Q. I'm interested in the day, sometime about either the middle or just shortly after the middle of April, when one

of these briefings went on and Colonel GUINN was reported to have informed the group about a letter or memorandum which Lieutenant TAN, the district chief of Son Tinh District had sent to Colonel KHIEN, province chief of Quang Ngai Province. Do you recall that instance? Well, let me go on just a little bit, and maybe tie it in just a little bit more. After this session had sort of broken up, some of the interested people stayed together to talk about this further and this included Major EARLE and of course Colonel GUINN, and he named some other individuals whom he thought might have been present including yourself.

A. This was a letter from the Son Tinh District chief to Colonel KHIEN?

Q. From the district chief to the province chief. And the subject matter of the letter basically was that the district chief was making an allegation that the Americans had killed quite a large number of civilians in Son My Village, specifically in Tu Cung and Co Luy hamlets.

A. Sir, I can not recall that, it seems that if that was discussed though that I could have been there, but I frankly can not recall that.

Q. There was some indication that the province chief and Colonel TOAN were somewhat upset by it?

A. Sir, I cannot recall that.

Q. Well let me show you the letter to see if it might have something to refresh your memory. This is Exhibit M-34, this is the Vietnamese version and on top is an English translation. I would ask you to take a look at first the Vietnamese version and then a look at the English version--or the English translation--and then to read it to see if you have any knowledge of this or hearing this discussion between Colonel GUINN or any other individuals from the province advisory group and your own advisory group with the 2d ARVN Division? I'd like you to look down at the bottom there and you'll see that a copy was sent to the 2d ARVN Division headquarters, and you'll also notice that one was sent to MACV, Quang Ngai Sector. And you'll further notice a courtesy copy was provided the U.S. advisor at Son Tinh Subsector, which is to say Son Tinh District.

A. Sir, I don't recall any discussion about this letter, about this incident.

Q. Did you ever hear anything about Americans allegedly having killed some Vietnamese in the eastern part of Son Tinh District?

A. No, sir, the only thing I can remember in this connection was an instance that occurred in the northern section, the Quang Tinh section, and it was involving U.S. artillery fire that had fallen short, but I cannot recall anything about this area.

Q. Did you ever see or hear of any Viet Cong propaganda which may have been directed against the Americans for having done something in this area?

A. I can recall a report through our advisory channels where the Vietnamese counterparts had told that VC had left leaflets of some type, and also had been telling the Vietnamese civilians that the Americans had killed civilians.

Q. What specifically did they say?

A. Well, just that the Americans had come into the village and shot civilians.

Q. What village?

A. No village name was mentioned, sir. Just that it was reported through the Quang Ngai Province advisors.

Q. Who reported it?

A. I think I heard it through Colonel GUINN, sir. He got it through his district advisors. I believe I heard it--

Q. (Interposing) You just think about that for a while, because it's exactly what I want you to think about.

A. Yes, sir. Well, I got the report from Colonel GUINN.

Q. And, what did he tell you?

A. Well, that his--one of his advisors had told him that his counterpart had said that the VC had left leaflets in among the people, and talked to the people, stating that the U.S. soldiers had killed Vietnamese civilians. I don't think any numbers were mentioned.

Q. Did they mention a locale?

A. Well, my impression was that it was near Quang Ngai City. Whether it was in Son Tinh District or along south of the river here (indicating), I frankly can't recall. But it's near Quang Ngai City.

Q. Did it have anything to do with Major GAVIN, or Captain RODRIGUEZ?

A. Well, it could have been GAVIN, yes, sir, in Son Tinh.

Q. Do you know Captain RODRIGUEZ?

A. I would have met him, but I didn't know him well.

Q. He's a short Puerto Rican.

A. I don't seem to recall him, sir. I knew GAVIN.

Q. What did Colonel GUINN say he was doing about it?

A. Well, he just said they were looking into it. He didn't mention anything specifically about what his advisory group was doing, except that they were looking into it. I might add that he, as I recall, was mentioning this after duty hours. We lived right across a little quadrangle from each other. And, I talked to him quite a bit, and naturally, we talked shop. He mentioned it in this setting, if I recall. And, I don't recall what he said they were doing about it specifically.

Q. Did he say anything about what kind of VC propaganda? Was he talking about this letter that I mentioned to you that he might have been referring to VC propaganda?

A. As I recall, sir, he mentioned a letter, or leaflet,

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Q. We know that this was in the headquarters of the 2d ARVN Division. Now, if you have seen this, did you discuss this with Colonel TOAN?

A. I may have, sir. I probably would have discussed this with Major EARLE rather than Colonel GUINN. I may have mentioned it to Colonel GUINN, but Major EARLE and I worked 8 feet from each other.

Q. That's what I was thinking. I mentioned it to you before, I wondered why you wouldn't have discussed things like this?

A. We would have normally, sir. I said I didn't remember that particular letter. This letter and the translation of it, I may have seen it. I can't say for sure. I don't remember, but I think that I probably did see the translation of this VC document, here.

Q. I have here a document dated the 12th of April, which is a memorandum from Major PHO, the division G2 to the commanding general. You will notice in the Vietnamese version here (indicating) as it gets to Colonel TOAN, he makes some notations which shows up on the English translation at the bottom here (indicating). You will notice also that it has two attachments to it. The first attachment is a piece of propaganda quite comparable to that one, another intercept, and the other attachment is this same letter of 11 April, which we have shown you before. I will show you this and ask you if you were aware of this in the headquarters?

(IO handed the witness Exhibit M-36.)

A. Excuse my delay. I am just trying to--

Q. (Interposing) I'm not going to push you, because I know, Major HANCOCK, that I am trying to take you back 2 years and I'm throwing things at you very fast. The purpose here is to do a little hand leading and not to put words or thoughts in your mind, but to assist you in trying to reconstruct any of the events which may have taken place and I don't want you to tell me anything unless it's actual. If you remember it, you tell me, but otherwise you let me know.

A. I think I may have seen this, sir, in the report folder of Colonel TOAN. Usually Major EARLE would essemble documents of this type and translations of them and turn them through the rest of the staff in a reading file type of affair. I know that there was something of this nature that came through and one thing that sort of jars my memory is Colonel TOAN's little note here, to have the district clear it up and if so, to see the Americal to make sure it stopped or something of that nature. I do have some knowledge of this. I think I did probably see this.

Q. It could have come actually from several ways, but EARLE would probably be the most logical and conceivably recognizing the rapport which must have existed between your division G2 and G3, your G3 could have been informed and could have provided you the information?

A. Yes, sir, he could have. I would think that the probable way that I found out about it or actually saw the letter would have been through EARLE, Major EARLE. That would be more likely than hearing it through my counterpart.

Q. Did you discuss this with anybody? At that time you'll notice that it's no longer Colonel ULSAKER that's there. Colonel HUTTER had replaced him by this time. You see he was still rather new in office, because he reported in around the 1st of April. This is why we are getting you down to the time frame of about mid-April.

Let me show you one other document which may conceivably help you, so that you will have them all together. This is another memorandum which is from the G2, 12th Tactical Zone to Quang Ngai sector. It went out on 15 April, over the signature of Colonel Nguyen Van TOAN with the name of Colonel Nguyen Van TOAN, but signed by chief of staff Lieutenant Colonel Pham Cao DONG as chief of staff. This has been entered into the record as Exhibit M-32.

(IO handed the witness Exhibit M-32.)

A. I don't recall ever seeing this.

Q. This simply says--it's the take off from Colonel TOAN's note--hand note on Major PHO's memorandum. That

really puts that into effect in a slightly different vein, but the central theme is there. So you think you saw the other or something comparable to it, but you weren't familiar with this one?

A. No, sir.

Q. Now, I wish you would just see if you could think back to where this came to you from and whether you discussed this with Major EARLE, or with your counterpart, or with Colonel HUTTER, or with Colonel GUINN, or who you discussed it with. Let me read you a little statement here which will also help you a little bit as far as recollecting things. I've been talking, comparable to the way I'm talking to you, to Major EARLE, and Mr. MACCRATE has been listening to all this, summarized it quite neatly when he said,

"Q. You told us that you heard from Colonel GUINN about the VC propaganda leaflet".

That's that piece of paper Exhibit R-1 (indicating).

"That you heard from Colonel GUINN something about the district chief's reports."

That's the letter of 11 April (Exhibit M-34) from Lieutenant TAN to Colonel KHIEN.

"That you heard from Colonel GUINN that the province chief had someone looking into it, Colonel KHIEN. That you heard from Colonel GUINN that he was passing it up through his channels, and that you finally heard from Colonel GUINN that he was seeing additional information about this. You said all these things this afternoon."

Major EARLE said, "Yes, sir." So, this gives you an indication of what Major EARLE knew at that time.

A. Anything that came to me on this, as I say, would have probably been from Major EARLE and I would have--he would have been the one that I probably would have discussed it with, if there was any discussion. I don't recall discussing this at all with Colonel HUTTER. Colonel GUINN--this particular

incident, I can't recall whether we talked about it except in the terms that I told you earlier. That I can remember vaguely something of this nature that Colonel GUINN said that one of his subsector advisors had reported to him.

Q. Did he tell you that he passed this on to anybody, that he was sending it to the Americal Division, or he was sending it to the Deputy Chief of Staff for CORDS or DCORDS, as he was known in Danang, or that he was giving it to Colonel HENDERSON, or anything of this nature?

A. No, sir, I can't recall that. Whether he said that he was reporting it to anyone.

Q. What were you doing at the time, sitting down having a drink or--

A. (Interposing) With Colonel GUINN?

Q. Yes?

A. Probably either that or going to supper or something at night. Probably in that setting, sir, or in the compound.

Q. Did you and Colonel GUINN live or do things quite closely there in the compound?

A. We lived close and I would see him three or four times a week or something like that.

I don't recall discussing it in any detail with either Colonel GUINN or Major EARLE, frankly. It would have been a brief mention of it and frankly when something was reported through--as a translation of a VC document or something reported word of mouth this way--frankly it was considered as propaganda. I mean that was the impression I got. In other words, as I say, Major EARLE would route a reading file periodically and this type of thing would be in it, translations of documents and things.

Q. Who would see this reading file beside Major EARLE, and yourself, and Colonel HUTTER? Colonel CROMWELL?

A. The deputy, yes, sir. Probably Major--the G5

advisor. Bill GLAFF, Major GLAFF, now Lieutenant Colonel. He probably would have seen it, although I don't know. He was not in the same building with us. I don't really know, sir, and so any discussion I would have had on this--

Q. (Interposing) Where is Lieutenant Colonel GLAFF at the present time?

A. He is in--

Q. (Interposing) Would you spell that for us please?

A. Yes, sir, G-L-A-F-F.

Q. GLAFF?

A. GLAFF, William, he's a Lieutenant Colonel. He's in Florida at the air-ground operation school at the airbase down there.

Q. Yes. Where, at Homestead, or Orlando, or where?

A. I'm trying to recall, sir. I think I have it in an address book with me here, but I don't have it on me personally.

Q. Well, there's one thing--we'll have no problem finding him if you are sure of the spelling of that last name.

A. Yes, sir, I'm certain of this.

Q. There won't be too many GLAFF's in the Army.

A. Right, William GLAFF and he's armor.

Q. Yes, all right.

A. He was the G5--

Q. (Interposing) Well, let me ask you something about GLAFF now.

A. All right, sir.

Q. Major EARLE would normally handle the intelligence input.

A. Yes, sir.

Q. He would also have a degree to do with propaganda, but if it were working properly I would visualize it that Major GLAFF, now Colonel GLAFF, would have more to do with propaganda, conceivably would have more association with that document there than would Major EARLE. Would that be a correct assumption the way you functioned?

A. Sir, primarily because of the way the Vietnamese functioned, it didn't work exactly that way. The G2, the ARVN G2 was the man who would work with this type thing more than GLAFF's counterpart, who was not strictly a G5 in our sense of the word. And because of personality, the ARVN counterpart of Major GLAFF, was sort of a right-hand man to the division commander and did a variety of things.

Q. For example.

A. Well, he assisted in setting up operations, in planning operations. He--well he worked some in the propaganda field.

Q. But if they were going to put out propaganda, certainly even though the G2 handled it it would appear to me that it would be turned over to the G5 shop, if they were the ones that were going to have any psychological operations campaign to find out what themes the VC were using and so forth, in order to counter them.

A. Right, sir. That's correct. So in that respect GLAFF may have had knowledge of this. Although I don't know that--he and I never--I can't recall that he and I ever discussed this situation.

Q. Yes. Well, now I wish you'd think just a little bit more before we pass on to another subject, about anything that may have transpired between yourself, Colonel GUINN, Major EARLE, Colonel HUTTER, your counterpart in the ARVN G3 or the G2, which would bear upon this subject we're discussing here.

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Q. Did he say anything about having been in touch with the advisory team at Son Tinh District about it?

A. On this specific instance, I can't recall that, sir. As I said earlier, a similar type incident that sticks in my mind, in vague terms that I got probably from Colonel Guinn, was that his subsector advisor had told him or had reported it.

Q. In mentioning the VC propaganda leaflets having been picked up, did he indicate anything about the picking up of some of the VC material, that had been picked up in an unusual way or that it had come from an unusual source?

A. No, sir.

Q. Do you ever recall a story about some VC propaganda having been handed through the wire at LZ Uptight?

A. No, sir.

Q. The fire base.

A. No, sir, I don't.

Q. You don't in any way associate that with--

A. (Interposing) No, sir.

Q. This VC propaganda.

IO: Well, I think directly connected with that, did he mention any other form of VC propaganda that they were using instead of this. You know the VC were great in this face to face kind of propaganda, but did he mention anything else such as slogans which they had. Or did he mention arm bands having-- saying down with the Americans or revenge for what may have taken place.

A. No, sir.

Q. Did he mention any posters?

A. No, sir, not that I recall.

- Q. What comes to your mind is just leaflets?
- A. Leaflets is the thing that pops to mind, sir.
- Q. Yes. Well, you see this is not exactly a leaflet.
- A. No, sir.
- Q. It would be very hard to portray that on a leaflet.
- A. Right, sir.
- Q. This is a broadcast intercept and it just isn't as though it came over once, but this was repeated and repeated several times.
- A. Right, sir.
- Q. So this is the reason why you get several different versions of it, being broadcast at different times and also being translated by different people.
- A. Yes, sir.
- Q. You can understand the variance.

MR MACCRATE: I'd like to show you Exhibit M-35, which is another piece of VC propaganda and ask you if this looks familiar to you. You'll see the Vietnamese again in a rather unusual form of blocked typing. And then there's an English translation on top of it. You'll note that it has been designed with a number of details and over on the fourth page the document is dated 28 March 1968, it is signed National Liberation Front Committee, Quang Ngai Province. Any recollection of seeing this piece of propaganda?

A. No, sir, not really. Parts of it is very similar to some of these others, but I can't recall seeing this.

IO: It has one very unusual thing in it there in the first large paragraph on the first page about two-thirds of the way down, I believe you will see that it refers to the 3/82d Airborne?

A. Yes, sir.

Q. This is supposed to be in Quang Ngai and certainly up until this time the 82d Airborne had not operated in Quang Ngai?

A. No, sir. I don't recall seeing this one.

MR MACCRATE: Now, if you will turn to the document that is a part of Exhibit R-1, I ask you to look at this statement that is headed 14 April 1968, just one sheet of paper and ask you if you ever recall seeing a statement comparable to that?

(The witness did as requested.)

A. I can't recall it.

Q. Do you recall Colonel GUINN talking to you about any such statement that he might be arranging for, or had obtained? Notice that it is dated the 14th of April, which is just 2 days after the memorandum of Major PHO to Colonel TOAN?

A. No, sir, I can't.

Q. I show you another copy of the same statement (Exhibit M-30), the origin of the statement is the Son Tinh District advisor--the deputy Son Tinh District advisor, a Captain RODRIGUEZ, and ask you if you will look at that and see if--there is a better copy attached, but it is essentially the same verbage that you just read in R-1, if there is anything that relates itself in your recollection to conversations with Colonel GUINN, to the preparation of such a statement by Captain RODRIGUEZ and any reference of Colonel GUINN, of having the statement prepared or having obtained such a thing from Son Tinh?

A. No, sir, I can't remember anything relating to any statement.

Q. Major EARLE did tell us that in this connection he recalls Colonel GUINN speaking of Captain RODRIGUEZ and of having something to do with preparing information, you have any recollection of a comparable reference?

A. No, sir.

IO: Major HANCOCK, sometime along in about the middle of April you were conducting two operations in conjunction with the Americal Division. One was called Burlington Trail which had to do with the opening of the road and opening of the general area between Tam Ky and Tien Phuoc. This involved a couple of battalions of ARVN and about a like number of about--an equal balance of U.S. and ARVN and then to the west of Quang Ngai City you had another operation which started on the same day, both of them started on the 18th of April, called Norfolk Victory. That was the first operation, Norfolk Victory I as it was later known.

There were purported to have been some meetings between General KOSTER, and Colonel TOAN, and Colonel HUTTER and some others in Colonel TOAN's office concerning these operations but having got into some other subjects, you remember those? One in particular in about mid-April probably along about the 16th, 17th of April? And I can tie you down a little bit on this, because the operation Burlington Trail had kicked off on the 8th and by the 13th they were in Base Area 117, in the northern area and the American element received quite a heavy mortar attack, at least they had 21 wounded from a mortar attack and nothing to show for it. They were getting quite strong pressure there whereas Norfolk Victory to the south wasn't producing. You recall that now, and the meeting which took place, and the discussion of the Tien Phuoc, and which you might say the Burlington Trail and the Norfolk Victory operations?

A. I can't remember attending that meeting. Of course General KOSTER was down quite often to meetings, but I was not always included.

Q. Well, with Colonel HUTTER being so new--

A. (Interposing) Yes, sir.

Q. It certainly would appear that they'd need an old hand there even though he might be a grade or two junior. At least you know the people, and you know the area, and so on, so it would appear to me that if I was the senior advisor, I'd want my 3 there.

A. Yes, sir. It seems logical that I would have been there but I can't remember that--maybe at that time where we discussed that particular operation. Or those operations.

Q. You recall being together with this group, in General TOAN's office--very likely in his office, when Colonel TOAN sent for Major PHO and asked him to bring some papers, which were discussed for a few minutes?

A. No, sir.

Q. Do you recall any meeting of General KOSTER coming down, anything that you had to get to--any preparations which you had to make, any particular requirements that were placed on you, of you that day?

A. At that time or just any time?

Q. At that time.

A. At that time, I just can't tie it down to that time frame, sir, I just can't recall. We had frequent meetings in that area.

Q. Well we have several peg points, we had Colonel HUTTER coming in and--

A. (Interposing) Yes, sir, but I--

Q. (Interposing) The operation Burlington Trail and Norfolk Victory starting and then we have that one group of casualties on the 13th, and actually Norfolk Victory I terminated on the 19th of that month after having been in operation for about 12 days, which at that time was quite a long ARVN operation.

A. I can't recall it.

Q. You recall Colonel HENDERSON, or Major MCKNIGHT, or for that matter Colonel BARKER coming to your office and discussing anything concerning Son My about this time? You know Colonel HENDERSON, I'm sure?

A. Yes, sir, the 11th Brigade.

Q. Yes.

A. Yes, I met him.

Q. You remember his 3? Major MCKNIGHT?

A. Yes, sir, I remember him.

Q. A tall rather thin chap?

A. Yes, sir.

Q. And you know BARKER?

A. Yes, sir. Sir, again I can't tie it down to that time. I just can't recall.

Q. Time to time, coming down to discuss this Son My or any casualties which may have been inflicted by the Americans, in this area or anything of this nature?

A. Not at all. I can't recall, sir, and I don't know whether this would have been reported by Major MCKNIGHT or that group of people or just who, but during the operation about this time--about mid-March or so--the Americal reported good contact in that area and good body count which you related to me earlier. I can't remember the number, but I can say that this was probably discussed. MCKNIGHT came up to our place often. I can't remember a specific meeting.

Q. During this operation, Norfolk Victory, I can imagine that Major MCKNIGHT was up to see you more than a few times, because the U.S. participation in that operation was provided by the 11th Brigade, 1/20 Battalion plus C/4/3.

A. Sir, it might help if I could look at that actual area that Norfolk Victory took place in.

(The witness is studying MAP-5 and MAP-9.)

Q. If you take off that piece of paper you'll just barely get into it. There is Norfolk Victory on that mountain complex.

A. Let me think just a minute, sir. We ran a lot of operations out there and never turned up much when the ARVN went out there, and I do recall now the Americal going in there. As I recall there was nothing of particular significance that they did on that operation.

Q. They didn't turn up much on the first one. It was not reinstated until shortly after you departed and began again with Norfolk Victory II.

A. I can't remember anything significant.

Q. Did you ever hear of any investigation of anything that may have been going on or anything that may have transpired in the area of Son My Village in the eastern Son Tinh District by the U.S. or by the ARVN?

A. No, sir.

Q. Now, you were around there quite a bit. As a matter of fact, I think at that particular time you were just about the oldest hand available as far as longevity, there. Did you ever have cause--hearing all those figures on this operation, and knowing the 48th Local Force Battalion and the various VC units that were out there, and hearing this VC propaganda, and these other things that were coming to you. Did you ever have cause to suspect something went awry or something unusual happened out there, in about mid-March 1968?

A. No, sir, I didn't. That area, as I'm sure you determined by now, was a VC hotbed more or less. Everytime we would run operations there we would have some contact and usually we took the brunt of the casualties from mines, booby traps, and sniper fire. And only rarely were we able to turn up any real heavy contact, and of course this time period was right on the heels of the Tet offensive and things were still going pretty actively around there. The reports that came in seem to me to be in line with that area, that is, the body count that the Americans or the Americal reported seemed to me entirely feasible, that they could contact an enemy force and kill that many people. Propaganda aspects, translated propaganda just sounded typical to me of things of this nature that I had read in 8 months and my impression was that nothing unusual had happened.

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A. Yes, sir, I would and I in retrospect--it seems hard to believe I wouldn't recall such a meeting but I cannot recall attending that type of meeting.

Q. They described the meeting as related to VC propaganda, that was being discussed. You in no way relate your recollection of the April 12 memorandum, and what Colonel TOAN indicated on the document to any visit by Colonel HENDERSON, Major MCKNIGHT?

A. Something just clicked. I'm glad we continued to discuss it, because I do remember, I can remember Colonel HENDERSON saying now--he was in Quang Ngai, he did come and I guess MCKNIGHT was with him. I don't remember. I remember Colonel HENDERSON and this subject did come up. Colonel HENDERSON that he--let's see how he put it, he got word of the alleged incident, he immediately flew into the area in his helicopter. Went down among his troops, the company involved, and walked around and asked the various soldiers, I believe was the way he put it. And talked to the people on the ground, a rifleman and what have you, as he put it "I looked them in the eye and asked them if they saw anything that had happened. If any civilians were shot and so forth," and they all answered "No," he said, "I'm convinced nothing happened." I do recall that.

Q. Well, now can you put that into context of who was there, who was talking about it.

A. In our meeting, sir?

Q. Yes. You've got yourself and Colonel HENDERSON and who else?

A. Colonel TOAN and Colonel HUTTER. As I say I'm sure MCKNIGHT--he was always with him. My counterpart would have been there and I can only assume that Major EARLE and Major PHO were there. They had to be. That would have been the extent of the meeting of the group and I do recall him saying that--now that he got the report and this, as I recall, was shortly after the operation or just as the operation terminated, because he said he actually flew to the objective area, landed and as he put it he walked among his troops on the ground and questioned several of them.

IO: You put this back in the March time frame then rather than in April. What I was going to ask you about was whether this discussion was in conjunction with the propaganda?

A. As far as the time of the meeting, sir--

MR MACCRATE: (Interposing) Was he talking about something that he had just done or was he in a later context talking about what he had done earlier?

A. Earlier, that was the context, sir. This meeting, our meeting would have taken place as I recall either or right around early April. Right around the 1st of April.

IO: Well, tell me was he--at that time around the 1st of April his leg would have been in a cast.

A. Yes, sir. I don't know what happened but his leg was. Our meeting, I'm fairly certain was during the first week of April.

MR MACCRATE: How do you fix it as being the first as being distinguished from the second week of April?

A. I remember it, because it was shortly after I returned from R&R in late March. I remember it very well. I met my wife in Hawaii, but it was about a week or so after I returned. I returned from Hawaii about 28 March, somewhere around there, so it was, as the best I can recall, in the early part of April. He was discussing what he done right after the incident, not something he had just done the day before.

Q. What was he discussing it for?

A. Well, somehow the question came up or the subject came up, as to whether Colonel TOAN asked him, or Colonel HUTTER asked him, or he volunteered it. I don't know.

Q. Do you recall any indication of what was supposedly to be the source of the allegations? Here Colonel HENDERSON is talking about what he did and reassuring Colonel TOAN that he had looked into this situation. Now, was he responding to

a piece of propaganda or was he responding to a report that had been sent to him? Was there any reference that the Americal Division had said something to him or something he had gotten from province, something he had gotten out of intelligence channels?

A. My impression, as I recall, was that it was in response to a question from Colonel TOAN, but I can recall no reference that Colonel HENDERSON made about a report or directive from General KOSTER or anything of that matter to investigate it.

IO: Did he say anything about, at that time, that he had investigated it?

A. Well, the only thing he said there, was he had investigated it on the spot just as the operation terminated. I don't recall whether he--

Q. (Interposing) Did he say anything about having told General KOSTER about it or having prepared a report on it, or anything of this nature?

A. I don't recall his saying, sir.

Q. Why do you suppose Colonel TOAN would have asked him a question like that?

A. Well, just to find out if he, the brigade commander, was aware of it or--

Q. (Interposing) Of what?

A. Of the alleged incident that supposedly had taken place. That the civilians had been killed. What he had done about it.

Q. What prompted Colonel TOAN to say that?

A. Well, the only answer to that that I can give is his talking face to face with the man who commanded the troops--

Q. (Interposing) I understand that. On what basis would Colonel TOAN make such an allegation or statement? He

just didn't come out of the blue, you know, "You killed--Task Force Barker killed 128, were these military or were these civilians." Did he say anything about having received a report at any time that Americans had killed some Vietnamese?

A. He must have, sir, I don't--

Q. (Interposing) Did he say anything about a village chief report that he perhaps knew of at that time, which alleged the Americans killed more than a few Vietnamese?

A. I can't recall.

Q. I refer you to Exhibit M-31. This is a letter report from the District Chief of Son Tinh District--wait a minute, I gave you the wrong one. I gave you M-49 which is a paper dated 22 March, Subject: Report of Allied Operations on 16 March. This is signed by Mr. LUYEN who is the village chief of Son My Village. Would you check that to see if this is what he perhaps was referring to, I'm referring from Colonel TOAN to Colonel HENDERSON.

We'll recess at this time

(The hearing recessed at 1442 hours, 4 March 1970.)

(The hearing reconvened at 1445 hours, 4 March 1970.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

IO: Does that do anything to refresh your memory about the basis of your discussion between Colonel TOAN and Colonel HENDERSON?

A. No, sir, it could have been. I never believe I saw this. This could have very well have been the basis of the discussion.

Q. You notice on that one inclosure that you have here, that this is the one paper that is also referenced, saying that the district chief had received the report from the village chief.

A. Right, sir.

Q. You'll notice the basis of the village chief's report at a later date, and also Exhibit M-28, which is from the district chief to the province chief which you will note. And this Exhibit M-28, you'll notice that it is subsequent to the receipt of Exhibit M-49 which is the village chief's report. Do you recall this being--

A. (Interposing) No, sir, I can't....

IO: Mr. MACCRATE?

MR MACCRATE: General PEERS asked you a little while ago about whether you heard of a report from the census grievance channels. Colonel GUINN has given testimony that he believes he received information through census grievance channels and he went on to say whenever he received the information:

"I went to Duc Pho, Headquarters of the 11th Brigade at that time and talked to Colonel HENDERSON, Oran K. HENDERSON the brigade commander, and I passed this information on to him, because

of the seriousness of the allegations. 1500 people is a lot of people to be killing on one operation. I told him, so he could start conducting an investigation on his own, also the information came in to, I believe, to the province chief and it also went to the 2d ARVN Division."

And then he says,

"I'm only speculating, I think General TOAN at that time, who commanded the 2d ARVN Division passed this information on to General KOSTER who commanded the Americal Division."

We have been trying to determine whether the report we obtained while we were in Vietnam from census grievance channels, which is Exhibit M-31, was in fact possibly the earliest report Colonel GUINN received. I would like to show you that and see if there is anything in that report that refreshes any recollection of yours, as to what Colonel GUINN may have told you or anything that you may have heard at this meeting with Colonel HENDERSON that may help you sort of tie these events together. You'll notice the numbers on this particular report, Consensus Grievance Report, are different from what Colonel GUINN had recalled when he earlier gave testimony that it wasn't that 1500 figure, there is a reference to 427, or 80 in Co Luy, 320 in the subhamlets of Thuan Yen and Binh Song. Any of those references relate themselves for you to either conversations with Colonel GUINN or the meeting you have described between Colonel HENDERSON and Colonel TOAN?

A. No, sir, not that I can recall.

Q. Is there any reference in this meeting to Colonel GUINN that you can recall--did Colonel HENDERSON in any way relate his discussion to Colonel GUINN?

A. Not that I can remember, sir.

IO: Major HANCOCK, at this time we're going to recess for the explicit purpose of giving you some time to reflect. I think you can see from my line of questioning what we're interested in.

A. Yes, sir.

Q. And our interest in these documents and the association between these documents and the actors, the people on the scene, on the American side of the advisory group, and the ARVN staff on the provincial staff, and the provincial advisory group.

So what we would like to do is have you come back for a few minutes tomorrow morning to more or less finish the thing off. You're right on the verge of so many things that just don't seem to quite fit at the moment. Maybe some of these will come to mind which would be very helpful for us. Major LYNN will be here, we do not want these documents to be removed from here. Major LYNN can make these documents available so you can look at them and see if anything in any of these documents will do anything to refresh your memory.

MR MACCRATE: You also indicated that you have, at least, an address book with you. Whether that contains any information that might correlate or relate in any way--I would hope that you would avail yourself to that at the same time.

A. That will have to be tonight, sir, it's back in my quarters.

IO: We'll recess at this time.

(The hearing recessed at 1455 hours, 4 March 1970.)

(The hearing reconvened at 0900 hours, 5 March 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MAJ ZYCHOWSKI, and MAJ LYNN.

Sir, the hearing recalls Major HANCOCK.

(MAJ HANCOCK was recalled as a witness, was reminded of his oath, and testified as follows:)

IO: Major HANCOCK, we recessed yesterday in order to provide a little opportunity to do some reflecting, so at this time I'll just turn it over to you and see if anything has been brought forth.

A. All right, sir. I did have time to reflect and I think it was useful in that I will try to tie together a little better than I did yesterday, exactly what I can remember and the sequence that I remember it. I can recall receiving information from Colonel GUINN by word of mouth, as I recall still in an informal setting, that the Vietnamese had alleged that civilians had been killed. As I recall, it was in the Son Tinh District. Colonel GUINN received this information from his advisory people and, as best I can remember, that would have been Major GAVIN, the district advisor. Shortly after this--and this was roughly mid to late March as I can recall--shortly after this I can recall seeing the translation of the VC broadcast intercept which indicated that civilians had been killed in Son My Village. Following this I discussed this briefly with Colonel GUINN then, as best--then I recall seeing the document requesting that an investigation be made, with Colonel TOAN's note in the margin telling the sector to investigate this and if it was confirmed of course they would coordinate with the Americal. If it was not a correct report then to squelch the thing immediately.

Then the next thing I can recall about this was the meeting that took place some time in early to mid-April with Colonel HENDERSON, his 3, Major MCKNIGHT, Colonel TOAN the division commander, Colonel HUTTER, myself, my counterpart the division G3 and probably Major PHO and Major EARLE. I just can't

confirm that. In this meeting somehow the subject came up and he asked Colonel HENDERSON about the situation, because at that time Colonel HENDERSON mentioned--shortly after the operation in question, he landed in the objective area, had talked to his troops on the ground and had questioned several of them face to face. He asked if they had any knowledge whatsoever of killing Vietnamese civilians and the answer he got according to him--no one there knew anything about it. He indicated that he was convinced that at that time nothing had happened. The civilians had not been killed.

Following that I cannot recall any discussion or seeing any documents pertaining to the alleged incident and in fact the impression I recall being left with, was it was a closed issue. That in fact nothing had happened and was just another rumor that had either been initiated by the VC through their propaganda or by some other means. It was just, as far as I can determine, just a closed issue at that point. My impression was that nothing wrong had happened.

Q. With respect to this last meeting you were talking about with HENDERSON, MCKNIGHT, TOAN, and yourself, you indicated Colonel HUTTER was there.

A. Yes, sir.

Q. You're sure that he was there at that time?

A. That is my impression, sir. It's just--anytime we had any meeting with Colonel TOAN, where Colonel TOAN was, so was Colonel HUTTER. I'm about 99 percent positive that Colonel HUTTER was present at that meeting.

Q. I noticed here that in your sequence as you have given them, you have the VC broadcast and Major PHO's note to Colonel TOAN--had actually preceded this?

A. As best I can recall, yes, sir.

Q. That would have put this at some time after then, the 12th of April. PHO's letter to Colonel TOAN is dated the 12th, so either one of those could have been, perhaps, the thing that precipitated this and that this meeting took place, as you have indicated, after these other things had transpired?

A. Yes, sir.

Q. When you indicated you had discussed this VC broadcast briefly with Colonel GUINN, this was after he had told you about receiving the allegation concerning civilians being killed. You indicated that it probably came from Major GAVIN, the advisory group at Son Tinh. What was Colonel GUINN's reaction to this VC propaganda?

A. As best I can recall, sir, it was just one, well, it was probably just another bit of false propaganda. This is the impression I had throughout this whole affair, frankly, that it was something that had not happened, but something the VC were trying to make the people believe had happened.

Q. Going back to your initial discussion with Colonel GUINN, what did he say he was doing with this information? You indicated that he had some information alleging that some civilians had been killed. Did he give an indication to what he was going to do? Was he going to report this--whether he was investigating or exactly what?

A. I don't recall his mentioning anything about that, sir.

Q. Did you ever discuss any of this with Colonel HUTTER?

A. Not that I can recall.

Q. Other than the fact he was at this meeting and therefore--

A. (Interposing) The best I can recall he would have been in that part of the discussion, sir. Sir, I might add to better describe the context of this whole thing. At no time during these events that I have listed do I recall that this situation was made much of an issue at all, except when Colonel HENDERSON was telling Colonel TOAN, "Well, I have investigated it and to the best of knowledge nothing happened--nothing wrong has happened." This was the only time as I look back that it was given any importance at all. It was just a passing bit of information.

Q. With respect to Major PHO's note to Colonel TOAN, do you recall where you had seen this and the circumstances under which you had seen it?

A. I think it would have been in my office, as part of a G2 type reading file, sir, to the best I can recall.

Q. Can you remember discussing this with Major EARLE at all?

A. We may have discussed it very briefly, sir, if at all. I can't recall specifically discussing it.

Q. Was it your opinion that if there had been any concern on the part of Colonel TOAN and the other ARVN that were present, that Colonel HENDERSON's discussion there as to what he had told them about what he had checked into, that this may have allayed any suspicion or anything which they may have had?

A. My impression was that Colonel TOAN accepted this explanation. I never did get the impression that Colonel TOAN was excited over it at any time. He would usually speak his mind to the Americans. He wasn't reticent about giving his opinion. I had the impression he accepted Colonel HENDERSON's explanation and felt that nothing had happened. This is just my impression.

Q. Mr. MACCRATE?

MR MACCRATE: Do you recall any specifics, further specifics of what Colonel HENDERSON said? At the time did he make any reference to discussions with General KOSTER or anyone from the Americal Division?

A. Sir, I can't recall any mention of talking to General KOSTER. I don't recall him saying that. I don't recall anything else specifically. For some reason, about the only thing I can remember about the discussion is the fact he said he had talked to his people on the ground and talked to several soldiers and they had indicated to him that they knew nothing about any such incident, but I can't recall anything beyond that.

Q. Was it your impression that Colonel HENDERSON came to see Colonel TOAN for the purpose of talking about this?

A. At least partially that, yes, sir. As I recall he was there more--or at least partly to exchange information and coordinate on an operation or various operations that had taken place.

Q. This would have been at the time of Norfolk Victory operation?

A. Yes, sir.

Q. Can you recall any indication from Colonel HENDERSON or Major MCKNIGHT that it may have been suggested to them by Colonel GUINN, or by General YOUNG, or someone in division, that they should come over for this purpose and talk to Colonel TOAN?

A. I can't recall that impression, sir.

Q. About how long did that meeting go on? Any recollections on it's duration?

A. No, sir, probably 30 minutes. I really don't remember that.

Q. At this particular meeting, Colonel GUINN was not present was he?

A. I don't believe he was, sir. I don't recall his being there.

Q. Do you have any recollection of any discussion with Colonel GUINN after this meeting?

A. No, sir.

Q. Our information would be, Colonel GUINN after such a meeting would have taken some action with Colonel HENDERSON and this is why it would seem reasonably with the close contact that he had with you, that there might be some reference that you had been a part of Colonel HENDERSON's visit, but nothing of that sort seems to fit in with your recollection.

A. No, sir.

IO: With respect to this meeting, Major HANCOCK, do you recall whether Colonel HENDERSON's leg was still in a cast about that time? At that time I know it had been.

A. Well, I indicated yesterday that I thought it was, but whether it was at that meeting or some other--I recall seeing him in a cast, I just don't remember.

Q. When you were discussing these things did Colonel HENDERSON appear to have knowledge of the report from district and of the VC propaganda?

A. I don't know, sir. He just had knowledge of the alleged incident. How he got it or whether he was familiar with the reports or the VC propaganda, I don't know.

Q. Just think back just a minute, now, if you can. At that meeting did Colonel TOAN or Major PHO or your counterpart, who still remains nameless, provide any copies of the VC broadcast or of the Son Tinh District chief's letter to the province chief, which the 2d ARVN Division received a copy--did they provide copies of that material to Colonel HENDERSON or to Major MCKNIGHT at that time?

A. I can't remember that they did, sir. I don't remember giving him any type document.

Q. Were there any papers being handled at the time?

A. I don't believe so, sir, only maps pertaining to the operation as best I can recall.

MR MACCRATE: Did Colonel HENDERSON include a description of the operation in his presentation or response to Colonel TOAN?

A. Which operation, sir? The one where the incident supposedly took place?

Q. Yes.

A. No, sir, not that I can remember.

Q. Going back to your recollection of seeing the broadcast intercept, do you recall in what context you saw that? Was it in a reading file?

A. Yes, sir.

Q. You indicated that after that you recall that you had again discussed the matter briefly with Colonel GUINN. What is your recollection of the second discussion?

A. Only that it was mentioned, sir. I don't recall any specifics of it. It just seems to me some mention was made of that broadcast since the allegation was--we had civilians killed right near our area. It seems like I did mention this or Colonel GUINN mentioned it to me, but it's just again, just a passing comment so to speak.

Q. And again no indication of any action Colonel GUINN was taking with respect to the broadcast?

A. No, sir.

IO: When Colonel GUINN told you about this information that had come from Son Tinh District, what did he say? Indicated the alleged civilians were killed? How many? By whom?

A. Well, by whom--the Americal soldiers and the best I can recall this was in Son Tinh District. I don't remember they tied it down to a village.

Q. Did he say anything about Pinkville or anything of that nature?

A. He may have, sir. I just don't remember.

Q. Do you remember anything being said about Son My, about Tu Cung or Co Luy?

A. No, sir. I don't recall any mention of any villages or hamlets.

Q. How about the order of magnitude? How many people was he talking about?

A. Several hundred sticks in my mind.

Q. Several hundred?

A. Yes.

Q. Did he say anything about how the district chief had obtained that information?

A. No, sir, I don't believe he did. I think the only thing he said was he gotten it from Major GAVIN, the district chief had told Major GAVIN.

Q. He did say Major GAVIN?

A. Well, this is my recollection. I don't recall, but that is probably what happened, sir.

Q. Well, I say this because there were a few days right in the middle of this when Major GAVIN was not present, and that as you know we showed you a letter yesterday which was signed for--or a statement which was signed by Captain RODRIGUEZ on the 14th. This was one of the days that Major GAVIN was absent and that's the reason for this.

A. Right, well I can't definately say that he mentioned GAVIN's name.

Q. Was it your impression that Major GAVIN was fully aware of this?

A. Yes, sir.

Q. Did you ever talk to Major GAVIN about this at all?

A. No, sir.

Q. Did you ever talk to anybody else about this? For example, some of the people that might have been down there. I understand that Colonel TREXLER, for example, from the division came down. He was the G2. The G3, Colonel BALMER, very seldom left the division, the confines of Chu Lai, but Colonel TREXLER

did have a little bit of freedom. Do you remember talking to him or anyone else in the Americal Division about it?

A. I can state with almost definite assurance, I never talked to anybody in the Americal about it. Except this meeting with Colonel HENDERSON, Major MCKNIGHT, because as I say my impression was it was just another rumor. It was very minor in nature as far as anything actually happening. I can't recall ever giving it a second thought. That was the context to me.

Q. Maybe you didn't discuss it with anyone else, Major HANCOCK, but do you recall either participating in, or sitting in on, or hearing about any meeting which this was a topic of discussion between General KOSTER with Colonel TOAN, or perhaps even General YOUNG with Colonel TOAN?

A. No, sir.

Q. Now you stayed there until, we're talking now about mid-April, you stayed there for about another month and a half after that as I recall.

A. Well, I left on 10 May, sir. I left Quang Ngai about 8 May.

Q. Do you remember up until the time you left, even in the month of May, whether anyone came down from division to talk about this?

A. No, sir.

Q. When you saw this note from Major PHO to Colonel TOAN, did you discuss this with anybody or ask any questions about that, because that is a particular note that Colonel TOAN put out--indicative to the statement to have this thing investigated. If it was not so have the Americans stop it. That's quite a strong statement. Did anybody exhibit any concern about that?

A. Not that I can remember, sir.

Q. Well, to this note from PHO to Colonel TOAN, was a copy of the district chief's memo of 11 April, appended to it?

- A. Sir, I don't know. I don't remember that.
- Q. You don't remember seeing that?
- A. I don't remember if it was attached to that, no, sir.
- Q. Had you seen it?
- A. I don't believe so. I'd have to take another look at exactly which document you're talking about.
- Q. Here is the whole bit of exchange between TOAN and PHO. This you will notice is dated 12 April. It has attached to it two pieces of paper. One, looking at the Vietnamese propaganda. Two, the letter from the district chief to the province chief. This is Exhibit M-36.
- A. The only thing I can remember seeing, that I can recall, is this document with Colonel TOAN's note.
- Q. Did you subsequently see anything else that may have pertained to something unusual having happened in Son My or Son My Village or Son Tinh District?
- A. No, sir.
- Q. At this meeting with Colonel HENDERSON, Major MCKNIGHT was there?
- A. Yes, sir.
- Q. And Colonel TOAN, of course, and yourself and you're of the impression that Colonel HUTTER was there?
- A. Yes, sir.
- Q. And there is a possibility that Major EARLE and Major PHO were present?
- A. Yes, sir.
- Q. You are not sure of the latter?
- A. I'm not sure, but they probably were. I can't recall.

I can't recall seeing them there.

Q. Before we recess, Major HANCOCK, I'll give you an opportunity to ask any questions which you may desire to ask and if you would like to, to enter a statement into the record.

A. No, sir, I have nothing.

MR MACCRATE: Do you have any papers, Major HANCOCK, in Europe that would be contemporaneous to this, that might help in the fixing of dates?

A. No, sir, I don't.

IO: Before we recess I would remind you and direct you not to discuss your testimony here with others, except as you may be directed to do so before competent administrative, judicial or legislative bodies. Now, in the case of the latter I might indicate to you that there is a possibility that you may be called before the investigation subcommittee of the House Armed Services Subcommittee in which event your testimony here and your appearance here would in no way preclude your testifying before that body or before any such body.

The hearing will recess at this time.

(The hearing recessed at 0930 hours, 5 March 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HUTTER, Dean E. COL

DATE OF TESTIMONY: 16 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Became the Senior Advisor to the 2d ARVN Division on 2 April 1968.

1. BACKGROUND INFORMATION.

a. His position.

The witness replaced Colonel ULSAKER on 2 April 1968 as the senior advisor to the 2d ARVN Division. (pgs. 2, 3). He remained in the capacity until 1 April 1969 (pg. 3).

b. His relationship with ARVN personnel and their advisors.

The witness was the senior American advisor to General, then Colonel TOAN for one year. For the first three to four months they had an aloof relationship followed by a "relationship of mutual confidence". They became friends as well as professional associates (pg. 3). The witness stated he had no relationship with Colonel KHIEN, but would be present when TOAN and KHIEN would have discussions (pgs. 3, 4). He met Mr. MAY on three occasions and had no professional or personal relationship with him (pg. 4). He had daily contact with Lieutenant Colonel GUINN but this was occasioned by the fact that they lived in the same compound. They had no professional relationship (pgs. 4).

c. Description of the rapport in Tropo compound.

In the compound there was no line drawn between the CORDS, the province advisory teams, and the sector

advisory teams as opposed to the division advisory teams (pg. 5). The witness rarely went to the officers' club but stated there were certain people who frequented the club, among whom was Colonel GREEN, whom he would converse with casually (pg. 5). There was a rapport between the members of the staffs in their off-duty hours (pg. 5).

2. HIS KNOWLEDGE OF INVESTIGATIONS AND REPORTS.

a. His dealings with HENDERSON and KOSTER.

If Colonel HENDERSON or General KOSTER visited Colonel TOAN they would not arrange it through the witness, but would contact him to make sure that Colonel TOAN was there. Normally, they would call from their helicopters and then land (pg. 7). The witness felt he would attend any meeting between TOAN and others if he was there and was not otherwise occupied (pg. 8). If TOAN were to leave to meet them he could do it only by jeep or by helicopter, and if a helicopter was to be used TOAN would clear it through the witness (pgs. 16, 17). He did not recall any conversations between Colonel HENDERSON and Colonel TOAN concerning a report on VC propaganda (pg. 8). It is possible that his deputy, CROMWELL or the G3 advisor would attend a meeting to represent the division advisory team, but with a sensitive subject such as this, he did not think that they would sit in (pg. 8). The witness did not recall any discussion between General KOSTER and Colonel TOAN, nor did he recall TOAN saying the ARVN's would investigate the incident (pg. 9). The witness recalled the ~~three~~ occasions on which he accompanied TOAN to Chu Lai to see General KOSTER, two of them were for tactical reasons and the third was a social occasion (pgs. 14, 15). General YOUNG had a fine rapport with TOAN and the witness had known YOUNG for many years, but no mention was made of any investigation (pgs. 15, 16).

b. His knowledge of any reports.

The witness had never seen Exhibits M-5, M-30, M-32, M-34, or M-36 (pgs. 5-7). During this period the witness was becoming acquainted with the area and also was not friendly with Colonel TOAN (pg. 9). The witness stated that a communication could move from TOAN to HENDERSON through various channels. It could either be personally handed over, or sent through Major PHO to an American liaison at an artillery base (pg. 12). It could also be sent through Duc Pho through sector channels

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(pg. 12). The witness did not know how any message was transmitted (pg. 13).

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EXHIBITS

[illegible]

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SUMMARY OF RECALL TESTIMONY

WITNESS: HUTTER, Dean E. COL

DATE OF TESTIMONY: 28 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT: Became the Senior Advisor to the 2d ARVN Division on 2 April 1968.

1. KOSTER'S MEETING WITH TOAN.

The witness was reminded that beginning on 8 April two operations began which were jointly conducted by the 2d ARVN Division and the Americal Division (pg. 18). One operation, Burlington Trail, was concerned with the opening of the Tinh Phuc Road (pg. 21), and it occurred in the northern area out of Tam Ky towards the CIDG camp in the general area of Kham Duc (pg. 18). The other operation was entitled Norfolk Victory and occurred in the area west of Quang Ngai City (pg. 18). The witness stated he recalled the code names but remembered nothing in particular about these operations (pg. 19). The witness recounted the four meetings that General TOAN had with General KOSTER during this period (pgs. 19, 20). The first meeting concerned the withdrawal of U.S. forces from Kham Duc. The second meeting took place in General TOAN's office and concerned the project for opening the road to Tinh Phuc. The third meeting was at the general's mess at the Americal Division and the fourth was during the change of command ceremony (pg. 20). The witness did not recall Major PHO being present at the second meeting (pg. 21), nor did he recall PHO being sent by TOAN to pick up certain documents which were discussed with General KOSTER (pg. 22). The witness was informed that Major PHO's testimony indicated that he presented his memo and the report and attached propaganda to General KOSTER and General TOAN and they discussed it for about five minutes (pg. 22). The witness did not recall any documents of this type being introduced

(HUTTER)

at the meeting (pg. 23). The witness was read TOAN's testimony which indicated that TOAN told KOSTER he was investigating the incident (pgs. 23, 24). The witness did not recollect this conversation (pg. 24). The witness did not recall TOAN going to a map and pointing out where Tu Cung is located (pg. 26). He was read General KOSTER's testimony indicating that he and TOAN had discussed the incident at their meeting, but the witness had no recollection of the discussion (pg. 38). He felt that possibly he was busy with other matters and may not have been aware of what they were discussing (pg. 38). The witness also stated that possibly he left for part of the meeting (pg. 39), although he stated this was "pure conjecture" (pgs. 39, 40). He was reminded that the meeting possibly took place on 15 April and was brought about because of problems encountered in the Burlington Trail operation but the witness stated he did not recall the discussion of the Son My incident (pg. 40).

2. DISCUSSIONS WITH LIEUTENANT COLONEL GUINN.

The witness stated that Lieutenant Colonel GUINN escorted him around the Quang Ngai Province (pg. 19). During this period the witness stated that GUINN never discussed any incident of this type (pg. 27). The witness was shown Exhibit M-34, Lieutenant TAN's letter, and he stated that distribution indicated that one copy was sent to Colonel GUINN (pg. 27). He stated he had never seen the document (pg. 27), and that a copy was not sent to the 2d ARVN Division Advisory team (pg. 28). The witness was read Major EARLE's testimony which indicated that GUINN had told him about the VC propaganda leaflet and said that it would be sent up through channels (pgs. 31, 32). The witness could not explain why this was not mentioned to him (pg. 32). The witness did not recall any meeting which occurred on or about 15 April which GUINN and EARLE attended (pg. 32). He was reminded that Major EARLE's testimony indicated that GUINN had made an announcement at the daily morning briefing about 500 civilians being killed (pg. 33). The witness stated that GUINN would normally attend the Monday morning briefing which was held at 0800 hours (pg. 35). The witness was told that Major EARLE indicated that perhaps Colonel HUTTER would have been at the meeting but was not exactly sure (pgs. 35, 36). The witness stated that this was his second Monday in country and he stated possibly he was being oriented elsewhere in the area (pg. 36). He could not recall having been at the meeting (pg. 37). The witness could not explain why

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Major EARLE knew all about this and he did not (pg. 32).

3. HENDERSON'S APPEARANCE.

The witness recalled that Colonel HENDERSON visited Colonel TOAN a "number of times" (pg. 41). He recalled one visit by HENDERSON in which he noticed HENDERSON was limping but he said he did not recall any discussion between the two concerning VC propaganda (pg. 41).

4. VISITS BY LIEUTENANT COLONEL BLACKLEDGE.

The witness stated he did not know an officer named BLACKLEDGE (pg. 42).

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EXHIBITS

[illegible]

(HUTTER)

4

SUM APP T-166A

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(The hearing reconvened at 1616 hours, 16 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MR WALSH, and MAJ LYNN.

Sir, the next witness is Colonel Dean E. HUTTER.

(COL HUTTER was called as a witness, was sworn, and testified as follows:)

Colonel HUTTER, for the record will you please state your full name, grade, Social Security number, organization, and station.

A. Dean Edward HUTTER, Colonel, , Chief of Operations, Office of the Deputy Chief of Staff for Operations, Headquarters, USARPAC, Hawaii.

RCDR: Colonel HUTTER, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining facts and making findings and recommendations concerning:

(1) the adequacy of prior investigations and inquiries into and subsequent reviews and reports within the chain of command of what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this incident.

This investigation is not being conducted to investigate all facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just stated.

General PEERS has had made available to him and has reviewed prior official statements obtained in other official investigations of the My Lai incident.

Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being taken by the reporter.

(HUTTER)

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Although the general classification of the report will be confidential, it is possible that testimony, or parts of it, may later become a matter of public knowledge.

IO: Colonel HUTTER, besides myself here at the table, on my left is Mr. Robert MACCRATE, a civilian lawyer who has volunteered his services to the Secretary of the Army to assist me in this investigation and also to provide legal counsel. On my right is Mr. Jerome WALSH who is also a civilian attorney, and he likewise has volunteered his services to the Secretary of the Army to assist Mr. MACCRATE and myself in the performance of our function. There are other teams, you should know, that are likewise taking testimony from people. But in the final analysis it will be my responsibility to put the report together and weigh the evidence and make the findings and the recommendations to the Chief of Staff and to the Secretary of the Army.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duty or as you may be required to do so before a competent judicial, legislative, or administrative body. That could possibly include an appearance before the investigative subcommittee of the House Armed Services Committee. I do not believe you have been cited by the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. Not to my knowledge, General.

Q. Well you'd know it if you were. I would like to say, however, that if by chance you ever are involved in any of the court-martial cases having to do with the Son My or the My Lai incident, that your appearance here before this investigation would in no way change either the applicability or the effect of those orders.

A. I see.

IO: Colonel HUTTER, would you state the date you became the senior advisor to the 2d ARVN Division, Quang Ngai Province?

A. 2 April 1968, General.

Q. As I recall from previous testimony, you replaced Colonel ULSAKER, is that right?

A. Yes, sir.

Q. How long did you stay in that capacity?

A. Until 1 April 1969.

Q. Since the matter of the My Lai (4) incident has become public knowledge, generally speaking in the last part of September, the first part of October 1969, have you had any conversations concerning the incident or the possible reporting of the incident with anybody either connected with your advisory group, the Quang Ngai advisory group, or with the Americal Division?

A. Negative, sir.

Q. In general terms would you tell us your relationship with Colonel, later General, TOAN?

A. My relationship was that of his senior American advisor for the year in question. For the first 3 to 4 months it was only professional for the reason that I had nothing good to say to him. It was all pedantry with respect to what I could see at that point of the performance of his division. I speak now only of the tactical application of the advisory function. We were on a polite but very aloof relationship for about the first 4 months. Only after I had been in country long enough to truly assess some of the relativity of his position with respect to a comparable American officer, could I understand some of his problems. After that, and after we developed a relationship of mutual confidence, we became friends as well as professional associates.

Q. What was your relationship with the province chief, Colonel KHIEN?

A. Almost no relationship at all, General. I say almost because General TOAN of course, not officially, but practically, was the boss of Colonel KHIEN. I would be present frequently when General TOAN would have occasion to question or investigate or discuss with Colonel KHIEN certain

matters which had application perhaps not only to the ARVN division, but the running of the province itself. But never any direct dealing, I had no function whatsoever with Colonel KHIEN.

Q. Now, would you explain your relationships with the province senior advisor, who then I believe was Mr. MAY? I think he left shortly thereafter.

A. He did, yes, sir. I met Mr. MAY on three occasions. One was an initial visit to him, and we got into the nature of orientation soon after my arrival. Both other occasions were social occasions, the last of which was his departure. I had no professional or personal relationship at all with Mr. MAY because he was on the CORDS side of the house whereas I was on the other side of the house, the tactical side.

Q. What about his deputy, Lieutenant Colonel GUINN?

A. I had daily association with Colonel GUINN, or almost daily, but not from the professional point of view. Since we both occupied the same compound, I would see Colonel GUINN sometimes at the supper meal, very infrequently other times. I would be interested in certain aspects of the activities he was engaged in, but only tangentially as they related to what the 2d ARVN Division might be doing or going to do. Almost no professional relationship at all.

Q. What about the--I'm just trying to get sort of a feel about this time period and I'm talking back when you-- The first 2 to 3 months when you came on duty there what was the relationship between the tactical advisors and the province advisors?

A. Yes, sir. Do you wish me to comment on this subject?

Q. Yes. Whether or not there was a group that would sit around and talk shop in the evenings, you being the senior American in the area.

A. Yes, sir.

Q. Whether or not there was a group that would sit around there and just discuss things, or whether or not one group would stay somewhat aloof from the other, exactly how you functioned.

A. With respect to one group remaining aloof or associating with the other, you mean the CORDS and province advisory team and the sector advisory teams as opposed to the division advisory teams?

Q. That's right. I know you lived together in the Tropo compound, the greatest number of you. I am aware of that.

A. That's right, sir. There was no definite line drawn between the two. If there was an aloofness, and that's not quite the word, if there was a separation, it was due to the differences in function. The meeting place where both teams were present at the same time would either be in the mess or in the little, for lack of a better term, officer's club that was operated there. As an individual, I am almost a teetotaler. I spent very little time in the officer's club. It was very infrequently that I would talk to anyone in the officer's club. Possibly once a week just before dinner, I'd go in and have a drink with my deputy. That would be about it, but I knew that there were a lot of cards played, bridge, poker, and so on. As is always the case, there are certain people who frequent the clubs, and I believe Colonel GREEN was in there frequently. Apart from being able to converse on a casual basis with Colonel GREEN, I do not know him, and I know nothing whatever of his professional function.

Q. Well, I think I'm getting the picture I wanted. It's the fact that members of the staff in their off-duty hours did have a degree of unofficial rapport, so to speak.

A. Oh, yes.

Q. Now about the time you replaced Colonel ULSAKER, or shortly thereafter, were you aware of a letter which the district chief sent to the province chief, a copy of which was also sent to the division commander of the 2d ARVN Division?

A. No, sir. I was not.

Q. I have here, Colonel HUTTER, an exhibit which has been entered into the record as M-34. This is dated 11 April 1968 from Son Tinh District chief to the province chief, Quang Ngai Province. I would ask if you've ever seen this English translation or the Vietnamese original which is attached to it.

A. No, sir. I have not.

Q. You will notice, however, from the distribution that a copy had been sent to the 2d ARVN Division.

A. That is to General TOAN's headquarters.

Q. Yes. Also, of course, one had been addressed to MACV Quang Ngai Sector.

A. Yes, sir.

Q. I have here another report. I have no reason to suspect that Colonel TOAN ever saw a copy of it. It was written on 28 March, preceding this particular report, on generally the same subject, by Lieutenant TAN, addressed to the province chief.

A. No, sir. I have not seen that one either.

Q. I have here an inter-office memorandum for the commander of the 2d ARVN Division dated 12 April, signed by Major Pham Van PHO, G2, 2d ARVN Division, dated 12 April 1968. This has been entered into the record as M-36. I would ask if you've ever seen a copy of this document?

A. No, sir. I have not.

Q. Would you look at the Vietnamese version which is directly underneath the page.

A. Yes, sir.

Q. Had you ever seen that with that writing on the left side?

A. No, sir. No, sir, I haven't.

Q. You will notice the translation of that which appears on the first page right down at the bottom.

A. Oh, I see. Yes, I note that, sir.

Q. Now, would you turn to page 3 please. You will notice here is a piece of Viet Cong propaganda. This evidently came out in a broadcast which was also appended to this particular document. The first page is pretty much the

standard VC propaganda which you've seen perhaps many times, but addressed primarily to the ARVN troops. When you get to the top of the second page and note the second paragraph, the whole complexion of the propaganda changes.

A. Yes, sir. I see that.

Q. Have you ever seen any propaganda such as this or has anything such as this been ever called to your attention?

A. I have seen propaganda leaflets, yes, General, but never anything like this. Never.

Q. You will notice that the other attachment to this is the basic document which you saw just a few moments ago, that is, the memorandum of 11 April from the district chief. You've never seen any of those documents to the best of your knowledge?

A. No, sir.

Q. I'll show you one other document which has also been entered into the record as M-32. This is a postal message from the 2d ARVN Division, G2, Tactical Zone 12, Quang Ngai Sector. This is dated 15 April 1968, from Colonel Nguyen Van TOAN, but signed off by Lieutenant Colonel Pham Cao DONG, chief of staff.

A. No, sir. I have not seen that.

Q. Did Americans such as Colonel HENDERSON, General YOUNG, General KOSTER--when they visited Colonel TOAN, did they make arrangements through you?

A. No, sir. Only if they wanted to make certain that General TOAN, or Colonel TOAN at that time, was present would they call in. Normally, however, we would get radio transmissions from the chopper inquiring of that, and then they'd land.

Q. Well, I assume that since you had the contact, that you or somebody in your staff would make the necessary arrangements or the checking and so forth?

A. Send a jeep out to the Tropo Pad and so on, or General TOAN.

Q. When they came in and talked to Colonel, later General, TOAN, would you be made privy to the conversation?

A. Always. Well, I wouldn't say always, provided I was there at the time, and provided I was not otherwise occupied with something which I considered of greater importance, yes, I was.

Q. Were you ever with Colonel TOAN during this early part of April? Let's see, in your instance it couldn't have been the latter part of March because you didn't come on until around 1 April. In that time frame and going through into May for that matter, can you remember having any conversations between Colonel HENDERSON and Colonel TOAN concerning a report which he had received or VC propaganda?

A. Negative, sir. Definitely not. If there were any such conversations, I was not present.

Q. Who else in your group might have been present if you were absent, for example?

A. Perhaps my deputy could have been there.

Q. What was his name?

A. Colonel CROMWELL, at that time.

MR MACCRATE: That is Stuart CROMWELL?

A. Stuart CROMWELL, yes. Possibly, in case neither CROMWELL nor myself, possibly the G3 advisor, at that time was a major of Armor, and his name escapes me at the moment. He came home on emergency leave.

Q. Well, we're interested in his name, and we'd like you to see if you can recall it. However, I might ask if when dealing in a sensitive subject such as we're discussing right now, could it be presupposed that a major, G3 type, would be sitting in with Colonel HENDERSON and Colonel TOAN to discuss a matter of this magnitude?

A. I would not think so. I would not think so. If the subject of conversation, for example, was not known prior to the time that they actually assembled, then in the absence of either myself or my deputy, the G3 advisor might very well have gone in just to have the division advisory team represented.

Q. Now, do you recall in this same period any discussion between General KOSTER and Colonel TOAN, either at the compound in Quang Ngai or at the division headquarters in Chu Lai?

A. I do not, sir.

Q. Do you recall any conversation along the line of when General TOAN said, "Well, I'm going to investigate it on the ARVN side, and I would like you to conduct a comparable investigation on the U.S. side."?

A. I recall no such conversation whatsoever.

Q. At that time, or at any time in there, did you ever get the feeling that Colonel TOAN was directing an investigation of any form?

A. No, sir. I reiterate, General, that it was during this period of time when I was very busy with other things. I was making trips on my own and not staying at the compound, so that I could become acquainted with the area, and with the people who were in the area, and with the general layout of the ARVN division representation, wherever it may be.

Q. I also remember that at that particular point in time you weren't really buddy-buddy with Colonel TOAN?

A. That is an understatement, particularly for about the first month and a half, 2 months.

Q. I have here, Colonel HUTTER, a statement signed by Captain Angel RODRIGUEZ, district advisor of Son Tinh District. This has been entered into the record as Exhibit M-30. The front page is quite hard to read because of poor reproduction. A clean copy is attached to it.

A. I have never seen this.

Q. I have here another document which has been entered into the record as R-1, dated 24 April, subject: "Report of Investigation." I would ask if you've ever seen this document or if the contents have ever been called to your attention?

A. I can say right now, sir, without even reading it, I have never seen it before. Do you wish me to absorb the contents of it?

Q. It might be helpful in our later discussions.

A. Very well, sir.

Q. You will notice the two attachments, Colonel HUTTER, are two of these previous documents which I have just referred to you to see if you have possibly seen them before.

A. Yes, sir.

Q. Were you ever aware at all of any U.S. investigation going on concerning anything that may have happened in this area or in the Batangan Peninsula area?

A. Nothing having to do with civilians. During the early stages of Operation Russell Beach, which started mid-January 1969, there were two incidents--

Q. (Interposing) Well, I'm only coming back to about this time frame.

A. This was misplaced artillery from an American artillery unit into the 2d Battalion of the 5th ARVN Regiment. It was somebody there. I don't think they ever did figure out what happened, but nothing of this nature whatsoever.

Q. The first 4, 5, 6 months you were there, you didn't hear of any investigation going on?

A. No, sir.

Q. Were you aware of a sector operation which was conducted into the Son My area in about mid-June directed generally in the My Lai area, My Lai (4)? I might refer you to this map here. (Witness was oriented to Exhibit MAP-1.)

A. Any specific operation?

Q. Well, I think I can refresh your memory on this one, because there was a midair collision between a helicopter and a fixed-wing aircraft.

A. I remember that. I remember the tragedy very well. I certainly would not doubt that there was some sort of an operation in progress at the time. Every now and again there would be operations in that area, all of which were pretty perfunctory and nonproductive until the Muscle Beach one. I remember the occasion of the midair collision very well indeed.

Q. Did you ever have an opportunity to talk to Lieutenant Colonel GREEN about this?

A. I recall no conversation with Colonel GREEN.

Q. Did anybody, to the best of your recollection, ever indicate to you what the purpose of this operation was?

A. I can only make a general statement.

Q. Perhaps at about this time your relationships with TOAN were warming up a little bit.

A. In June?

Q. Yes. It perhaps might not have been red hot.

A. There was a slight thaw by that time, General, but nothing any more than that. I can make only a general reply that I do not remember this particular operation. But the object of all such operations was to keep the VC, who were in control in the area, as quiet as possible with the least casualties to the friendly side. That was the object, nothing of any true definitive nature was planned at that time. We had our hands full in the west particularly. That's where I started my effort to move tactical units on a permanent, rotative basis out to the west. It wasn't until later when I was successful in persuading General TOAN to establish a permanent fire base here. But this was 8 months later or something like that.

Q. Mr. MACCRATE?

MR MACCRATE: Colonel HUTTER, you may have noted that in Exhibit R-1, the report of investigation of 24 April 1968, this sentence appears: "Colonel TOAN, Commander, 2d ARVN Division, reported that the making of such allegations against U.S. forces is a common technique in the VC propaganda machine. Inclosure 2 is a translation of an actual VC

propaganda message targeted at the ARVN soldier and urging him to shoot Americans. This message was given to this headquarters by the CO, 2d ARVN Division, on about 17 April 1968 as a matter of information." Now could you indicate to us how a communication of that sort might move from Colonel TOAN to Colonel HENDERSON at or about this time in April of 1968. What would be the channel to follow?

A. A number of possibilities, Mr. MACCRATE. Number 1, and the most common I would say, would be personally from General TOAN's hand to Colonel HENDERSON's hand. The next possibly would be not through, a message center, not through any administrative channel but possibly from Major PHO to the Americal liaison, who were at the tactical operations center or artillery bases. That would be another possibility.

Q. Who would they be?

A. They were enlisted persons, Mr. MACCRATE. One officer normally was assigned from the Americal artillery to the tactical operations center in order to tie in the artillery support.

Q. But a message of this character? From Colonel TOAN to Colonel HENDERSON--

A. (Interposing) I would say from General TOAN to Colonel HENDERSON. I would say that would be the most feasible due to the sensitivity of such a thing.

IO: Of course, there are other possibilities, too.

A. Oh, yes, sir. There are.

Q. The latter one, the artillery, doesn't seem very probable to me.

A. It certainly doesn't.

Q. It could be sent through by Colonel TOAN using sector channels down to Duc Pho for delivery to Colonel HENDERSON. A possibility because sometimes they did strange things.

A. Yes, sir. Well, also, through the sector advisory team would be feasible.

Q. But you would expect this to stay within military channels rather than going outside. The most likely aside to Colonel HENDERSON, from TOAN to Colonel HENDERSON, would be to you or to one of your senior officers for delivery to Colonel HENDERSON or to General KOSTER, as the case may be.

A. Yes, that's true, too. All the possibilities are just that. I have no way of knowing which was actually employed.

Q. I know we're taking you back a long way, Colonel HUTTER, but I wish you'd search your mind a while and see if you can think of anything, anything at all which may have led you to be suspicious of something which may have happened in this area along about the middle of March 1968.

A. General, let me lead off with a very simple statement. Since this, to me, incredible allegation was surfaced in the news media, I have searched my mind many, many times, and I can find no recall at all. I have a fairly good memory, but no recall at all of any knowledge that such a thing in My Lai or Son My or any other place was perpetrated. That is another incredibility. I don't understand how I could have been for a year in that atmosphere, in that General TOAN and I were very official in our relationship for a period of 3 or 4 months, which then ripened into a friendship based upon mutual understanding, those initial months notwithstanding, I just don't understand how I would have been in this media and in this environment for so long and not heard anything if there were anything to hear.

Q. Well, you saw the memoranda which were exchanged, and you saw the directives.

A. Yes, sir. Until this moment, I had never seen that document.

Q. Yes. Let me ask you a little bit about the situation that may have existed at this time. As we would understand it, at least the attitude taken by some of the people who may have had a knowledge of this, they had just finished Tet, and they had had a hard go. There was still a lot of pressure and activity with outposts being hit and, on occasion, overrun. It was a very tenuous situation for some time in and around Quang Ngai City. Things were pretty well pulled back in. One of the suppositions that we've heard or

one might refer to as explanation is the fact that we were so busy doing what we were doing and trying to defend ourselves that we could care less about a few VC or VC suspects that may have been killed out in Son My. And then with all this going on, this incident is promptly forgotten.

A. Yes, that certainly does seem a possibility.

Q. It does seem incredible to me that you would have no knowledge of this going on. But again I do understand the Vietnamese and I do know that they are reluctant to give something like, this to a new-found friend, and you were not even a new-found friend.

A. I was new-found.

Q. Yes. So, as a consequence, from your point of view it might not have ever come to light with the exception that at a later date it might have been mentioned in casual conversation or something which might have reopened it.

A. Yes. One would think that at some later time, when perhaps things got easier and our relationship had, as I say, "blossomed" a little bit. It never happened. Of course, it occurs to me too that since this alleged incident took place before my arrival, General TOAN, Colonel TOAN at that time, might very well, if he thought of this at all in terms of me, he might have thought, well, he wasn't here anyway. Why open it up? Why touch base with HUTTER at all on this particular thing because I was not even in country? That, of course, is conjecture.

MR MACCRATE: Did you keep any record of the occasions when you might have accompanied Colonel TOAN to Chu Lai?

A. Only mental records. We flew to Chu Lai very frequently, Mr. MACCRATE.

Q. With him?

A. Oh, yes. During that particular period though, it seems to me that General KOSTER left in May or sometime in May of 1968 to become superintendent of West Point. I recall just three occasions I believe, and there may have been more, but I recall three where I flew with General TOAN to Chu Lai for specific reasons. One was honor guard for General KOSTER when he left. Another occasion was to talk about the pullout

of American troops from a special forces camp, and it was General ABRAMS' decision, "Okay, move 'em out."

Q. Was that Tien Phuoc or --

A. (Interposing) No, sir, it wasn't Tien Phuoc. It was, I can't remember the name, deep in the interior out there. But that was the occasion for this. And the other occasion was to talk about a road opening--

IO: (Interposing) You're not thinking of Kham Duc?

A. Kham Duc? Exactly! Thank you, General. Kham Duc? The third occasion I recall, and all of these were purely for tactical reasons. Two of them were. The third was a social occasion. It was the hope that General KOSTER entertained that we could open the road to Tra Bong and extend another roadbuilding operation to Tien Phuoc. And he wanted to solicit General TOAN's assistance and support. He discussed these matters in General KOSTER's office maybe 10 or 15 minutes. It was on the second of those occasions, when it was about lunchtime, and General KOSTER invited Colonel TOAN and myself to lunch. It was at that point when General KOSTER made public to his staff that he was to be reassigned to the United States Military Academy.

Q. I don't think he left for the States in the month of May though, did he?

A. I have only a hazy recollection of exactly when it was, General. It may have been the first part of June. I don't recall.

Q. I don't really recall when he departed either. I do know that he was on R&R in Hawaii in the early part of May.

A. I remember when he went. I remember that General YOUNG was the senior of the two ADC's at that time.

Q. Now as you start putting things together, and since you've mentioned General YOUNG, could you put General YOUNG and Colonel TOAN together for any discussions of this sort we've been talking about?

A. No, sir. General YOUNG came down, would fly in as did Colonel HENDERSON and General KOSTER, General GETTYS after him. Quite frequently, three, four, five times, sometimes

two or three times a day depending upon the situation. I recall no occasion at all when I was present when there was any discussion of this nature relating to adverse incidents. My Lai (4) wasn't discussed. Because I had known General YOUNG for many years, I made it a point, if I knew he was coming, to be there. But he and General TOAN had a very fine rapport.

Q. Did he ever by chance mention to you that an investigation had been initiated out in this area?

A. No one had ever indicated that to me, and this is something. This type of allegation is not something that one forgets. Had it ever been mentioned to me I certainly would have....astronomical figures of alleged murdered people.

MR WALSH: Colonel, do you recall in the early months when you took over, April and May, whether General YOUNG was acting with more or less primary responsibility for keeping an eye on this area to the south of Chu Lai? Did he come down more frequently that General KOSTER?

A. Well, the assistant division commander normally came in and out with greater frequency than the division commander. I would say that would normally be the case, when General YOUNG would make perhaps two trips or maybe even three trips to every one by the division commander. But this too is a conjectural recall on my part. I can't throw in some more solid basis for that thought.

IO: Well, we'll give you this opportunity, if you'd like Colonel HUTTER, to ask any questions which you would like. Or you may make a statement for the record.

A. No, sir. The only statement that I wanted to make I have already made, and that is that it is incredible to me that I could be in that environment for a year and never have heard one mention that is traceable.

MR MACCRATE: It is Colonel TOAN's recollection that he did communicate these matters as documents in fact. The occasion for that communication and when it took place is something that we're trying to fix in time.

A. Well, I can say that this may be of interest. When General TOAN went anywhere, he only had two ways to go;

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one by jeep, which is particularly at that time and ever since pretty well restricted to Quang Ngai town area between there and the airport, and by chopper. When General TOAN went by chopper he did so because he had asked me to be able to go here, there. However, the American Army, HENDERSON and the Americal, they had their own choppers, and came in very frequently, and I would be pretentious in supposing that I would always have been privy to whatever went on in subsequent conversations. But I do know that when General TOAN went somewhere, except for maybe one-half dozen occasions within a whole year's time, I was with him.

IO: The hearing will recess at this time.

(The hearing recessed at 1710 hours, 16 January 1970.)

(The hearing reconvened at 1145 hours, 28 February 1970.)

IO: Hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MAJ ZYCHOWSKI, and MAJ LYNN.

Sir, the hearing recalls Colonel HUTTER.

Colonel HUTTER, you are reminded that you remain under oath before this hearing.

A. I understand.

IO: Colonel HUTTER, what we want to do this morning is talk to you about some of the joint operations which were conducted by the ARVN and the Americal Division. On the 8th of April, shortly after you arrived, two operations began which were combined operations. One was operation Burlington Trail which was in the northern area out of Tam Ky and toward the CIDG camp in the general area of Kham Duc. The forces which participated in this on the U.S. side were the 198th Brigade, which had two infantry battalions, and also the 1/1 Cavalry Squadron. All of these were minus. On the ARVN side, the 2d Division had the 1st Battalion of the 6th Regiment which was minus, and also one company of the 3/4. This operation started as I indicated on or about the 8th of April. On the 13th of April, there was quite a heavy mortar attack directed against U.S. forces in which they suffered a total of 17 WIA. This operation as it developed became a difficult operation, but quite a successful operation in the sense that from the period of 8 to 20 April, although there were 13 U.S. KIA and 69 WIA, they reported they had killed 170 VC and captured 48 individual weapons and a total of 21 crew-served weapons. That generally is the operation in the northern area. Concurrent with that was an operation to the west of Quang Ngai City. This operation was known as Norfolk Victory. The U.S. forces that participated in it were from the 11th Brigade, namely 1/20 and also C/4/3. The ARVN contributed two battalions, the 2/4 and 3/5. They did receive some small arms fire, but generally speaking the operation hit a dry hole so to speak, and it was not too lucrative. Now for these operations it might be well imagined there was a lot of local planning going on between the 198th Brigade and probably the commander of the 6th Regiment, and undoubtedly

between the commander of the 11th U.S. Brigade and his ARVN division staff, and the Americal Division staff. So, General KOSTER was involved in this. Now, does this bring back much to your memory as far as the operation? This is about the time you are just getting your feet on the ground as the senior division advisor.

A. Sir, I remember both code names Norfolk Victory and Burlington Trail. But, I remember nothing at all about the 2d Division participation as a partner in either of these operations. During these initial 2 or 3 weeks I was there, I made many trips by chopper, of course, down to the various outlying areas within the 12th Division Tactical Area.

Q. The 12th Division or the 2d Division?

A. It was called the 12th Divisional Tactical Area, the 12th DTA, the breakdown of the 12th is, it's in the I Corps and it's the 2d Division. It is really the 2d Division tactical division, but it was really called by the Vietnamese as well as the U.S., but more so by the Vietnamese, the 12th DTA.

A. I never heard of such a thing, but that is fine.

A. In any event, I said I made many trips in order to familiarize myself with the area. I recall that in the Quang Ngai Province I was ushered around by Lieutenant Colonel GUINN, who was the deputy advisor at the time, to see what the district looked like. Similarly, I was accorded the same treatment by Phil BOLTE, who was senior advisor up in Quang Tin. I recall no specifics at all concerning these two operations except the code names. I do not recall making any visits to General TOAN during that period of time or to either of the two battalions that you mentioned in Quang Ngai. I may have done so, but my recollection does not serve me well in those instances.

Q. In this letter which you provided to me as a result of your telephone call to Colonel BREEN, you indicated you had about four meetings.

A. I recall four, yes.

Q. With General KOSTER. Well, the first one that you cite is when you talked about the withdrawal of U.S. forces and so on from Kham Duc.

A. That took place in General KOSTER's office.

Q. Well, this would have probably taken place about the 10th of May. This is the time frame of the Kham Duc operation, 10th through the 13th of May. The second meeting which you cite is in General TOAN's office, and the subject is the number of troops the 2d ARVN Division could spare for the road opening mission to Tien Phuoc and Tra Bong.

A. Yes, sir. Tien Phuoc or Tra Bong. Perhaps both were discussed, but I particularly remember Tinh Phuc.

Q. Well, Tien Phuoc basically, is Burlington Trail, and you indicated that this took place in TOAN's office between General KOSTER and Colonel TOAN and that you were present.

A. Yes, and there were others there, I seem to recall. I cannot identify who they would be.

Q. Yes. Then you go on to mention another one in the commanding general's mess at the Americal Division, and also the change of command ceremony from General KOSTER to General GETTYS. Well, I guess he wasn't there. It was General YOUNG.

A. Yes, General YOUNG on an interim basis.

Q. This second meeting that you place here, we would put the time down on this as being about the middle of April.

A. I certainly accept that, General. I have no specifics in mind as to the date.

Q. Well, do you recall that you were probably discussing the operation Burlington Trail in particular and possibly even this Norfolk Victory.

A. It would seem likely that there was discussion on both of those subjects. But as I say, so far as my recollection, being able to say that was discussed, I cannot say so.

Q. Maybe if we just talk a little while some of these things might come to mind. In the area of Norfolk Victory in particular, the American forces were encountering considerable resistance. There is some consideration that possibly they might have even been talking about canceling Norfolk Victory to

be able to utilize some of the ARVN forces there to be redeployed elsewhere. Conceivably even up in the Burlington Trail area, because one was not producing anything. It did go on until the 19th and produce, I would say, rather minimal results, whereas the other one continued for several months after that and was quite successful.

A. I would say that it was pretty much of a cinch that those things were discussed. Perhaps it was in the context of that exercise that I recall this particular mention of General TOAN in substance could he, and if so, how many troops could he leave. This had a permanence attached to it, General, because the opening of the Tien Phuoc Road took a lot of engineer effort, and they needed security for the American engineers. I don't recall when that was opened but it was quite a ceremony. I remember that the province chief, Colonel THO, and Phil BOLTE rode motor bikes down to the official opening where the big ceremony was at Tien Phuoc. I seem to recall General YOUNG went down there by chopper or by jeep, I have forgotten which, in order to represent the Americal Division.

Q. Well, that would probably have been some time later.

A. That is what the final result was of the entire Tien Phuoc road opening operation.

Q. It's true they did have some major bridge work that had to be done on, I think, LPL-533, if I'm not mistaken.

A. Yes, I'm sure that was discussed, opening up of the roads and so on, but that's the only specific point that I can recall definitely having been discussed.

Q. Well, now, do you recall General TOAN's G2, Major PHO?

A. Major PHO? Very well.

Q. Can you remember during the course of that meeting that General TOAN sent for Major PHO?

A. No, sir. I don't recall that he did. As I say, he may have been present, but I have no recollection specifically of PHO being there at that particular time.

Q. I'm not talking about him staying for the entire conversation, but General TOAN sending for him to bring certain documents, which he did. He discussed them with General KOSTER for a few minutes, and then PHO departed.

A. I do not recall that at all, General. I recall other instances, but always instead of General KOSTER sitting there in the chair, I recall General GETTYS, or General YOUNG, or General GALLOWAY.

Q. Yes.

A. I've gone over this very carefully in my mind in order to reconstruct the crime, if I may use that phrase, thinking about physical characteristics of the room in which these meetings normally took place. It seems the only one I can come up with is that one, and during that meeting I recall really nothing except the two principals and that one subject. Yet there were other people around. I'm sure General KOSTER's aide was there, for example. I don't recall if I was there although it seems likely that I was. It would seem likely too that my G3 advisor would have been there. But I recall none of the Vietnamese. One would suppose that the G3, the Vietnamese G3, would be there, Major, now Lieutenant Colonel, KHIEN.

Q. Let me just read a little bit to you. This is not what Major PHO, now Colonel PHO, had to say. This is a report as it was presented and prepared by the CID. He states that he was called into a meeting held by the commanding general of the 2d ARVN Division, wherein Major General KOSTER, the senior advisors and the aide to General KOSTER were present. He was told to fetch his memo, and the report, and the propaganda concerned. This he did, and those persons assembled discussed the matter for about 5 minutes and then went on to other things. Now, what he's referring to is this piece of paper right here, which subsequently had a note put on it by General TOAN. Whether that note was on it at that time, I don't know. He also introduced the transcript of the VC broadcast, and also the letter of 11 April from Lieutenant TAN to Colonel KHIEN. We didn't have the amount of information when you were here before that we have right now about things that went on in these meetings and exactly where they were.

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A. No, sir, I do not recall anything in that meeting or any other meeting where any documents were introduced at all, except if one wants to call a document the map which was a fixed installation on the wall of this office that had drapes over it. That's the only document that I can recall consulting.

Q. We also have had another interview with General TOAN through one of our individuals in South Vietnam. General TOAN says it took place somewhere between the 1st and the 15th of April. Actually, Major PHO indicates that it was 2 or 3 days after he addressed this memorandum to the commanding general. This is dated the 12th, which could put it in the 14th or the 15th time frame. The indication from the interview with General TOAN, then Colonel TOAN, was that it was held in his office at the division headquarters in Quang Ngai. Present were General TOAN, General KOSTER, the Americal Division commander, plus the U.S. advisor of the 2d ARVN Division, the name of Colonel Dean HUTTER is given. General TOAN does not seem to remember anyone else being present. He said no aide or staff officer was present, and he also mentions that Lieutenant TAN's letter and the VC propaganda were mentioned in the discussion. Now, when Mr. MACCRATE and I talked to General TOAN, I asked him certain questions concerning this. I asked General TOAN:

"Well, this has been most helpful, General TOAN, in trying to clear up some of these points. Did Colonel HENDERSON ever talk to you after this, ever talk to you about My Lai (4) or Co Lay? Did Colonel HENDERSON ever come back to you after that time and talk to you about Tu Cung?

"A. I don't remember, but I didn't hear anything from the U.S. side about that.

"Q. Did General YOUNG or General KOSTER?

"A. General KOSTER at that time.

"Q. Did he ever talk to you about it?

"A. He came to see me, and I told him my order.

"Q. That you were investigating it?

"A. I did.

"Q. You told him that you ordered Colonel KHIEN to investigate it?

"A. Yes, sir. I just let him know about that propaganda from the VC so he could check if something had happened."

He responded to another question:

"A. I don't remember, but I talked to some commander. I don't remember if it was KOSTER, but I remember General KOSTER commanded at that time.

"Q. General YOUNG was ADC, but, as I recall what you indicated, you had talked to him and you were having it investigated. It was VC propaganda, but you also indicated to them if they had done this, not to do it any more.

"A. Yes, sir. I made a note in my report."

So these are some of the details of what transpired in this short period of time.

A. Yes, sir. This does not spur any additional recollections on my part at all, General. No, it definitely does not. I feel that I may be, in an effort to remember these things, getting near to the point where I will talk myself into it, and trying to be absolutely factual about it, I cannot. I have not reached that point yet, at any rate. In this meeting, I recall only the subject as I mentioned. I do not recall the date; I recall nothing about this.

MR MACCRATE: Why do you recall the subject, Colonel HUTTER?

A. Well, because it was a subject which was referred to again and again throughout the next couple of months. I've forgotten just when the Tien Phuoc Road was opened, but it had a permanence to it, you see, that was a subject of continuing conversation and action.

Q. Was this the first time that it had been discussed?

A. To my recollection, that was the first time that I ever heard probably of Tien Phuoc as a matter of fact except maybe just in passing.

Q. What was said about it at that time?

A. General, as I recall, General KOSTER introduced the subject of Tien Phuoc. In what context I don't know, but quite likely it would have been in connection with the Burlington Trail. I don't remember that. What he was interested in was dividing the effort between Americal and the 2d Infantry Division, Vietnamese, in an effort to get that road open. My recollection of General TOAN's attitude, not expressed then I don't believe, but later once or twice at least alluding to it, was that General TOAN was not nearly so interested in that particular road-opening operation as was General KOSTER. But General TOAN, in order to show good faith and keep what I took to be a very fine rapport between General KOSTER and himself and between the Americal and the 2d Vietnamese Division at its present, at that time high level, was willing to go along with it and provide some security troops, which he did.

Q. At that time, and I think we've got this date fairly well fixed, the operation was fairly well underway. The Americans had already received a total of 21 wounded from the mortar attack on the 13th, and generally speaking the ARVN were taking the northern part and the U.S. were handling the southern part, generally along the northern reaches of base area 117 as I recall the number of it.

This should stand out pretty vividly in your mind because this should have been, I think, your first meeting with General KOSTER, other than the fact that you probably went up on a courtesy call with General KOSTER.

A. This was not my first, but certainly one of my first. There may have been other meetings which, apparently, I do not recall. I recall this particular meeting, I think, more because of the subject than any other reason. And, I most certainly do not recall anything then, before, or later on the subject of this My Lai thing, which I recall indicating to you on my last appearance is a source of great trouble to me. I don't have an infallible memory by any means.

Q. I don't think the word My Lai would have ever been used. It would very likely have been centered around Son My, which is the name of the village.

A. Yes.

Q. All records and Vietnamese documents referred to Tu Cung and to Co Luy. And all of this, of course, took place in Son Tinh District.

A. Son Tinh, of course, is as well known as My Lai since all the publicity of the subject. It still doesn't mean anything to me, except as pinpointing it a little more than My Lai.

Q. Do you recall possibly General TOAN going to the map and pointing out where Tu Cung is?

A. No, sir, I don't recall.

Q. Son My?

A. No, sir. I don't recall him pointing at the map at all, although he frequently did. It's a source of great anxiety that this subject, if it was discussed at all, did not register with me. I'm seeking reasons why perhaps it didn't now. If it were discussed in these terms, due to my neophyte status then, I did not recognize and attach any significance to it. But a document like that that made allegations of 500 civilians, I cannot imagine that it would not register. That's a fantastic figure. Particularly it would have registered, it would seem, because I was new. A figure like that would either in World War II or in Korea have incited a lot of interest, but to the old hand, possibly not as much the new. And I hadn't heard a shot fired in anger for quite some time.

Q. If it was like that, I don't think it would make any difference whether you were old or new.

A. I would agree; I would agree.

Q. Well, now, you indicated that during this period, you were visiting a lot of places with Colonel GUINN?

A. With Colonel GUINN, yes, sir. Not always with him. When he could spare the time, as I recall, he came along. I know he was with me the best part of 1 day and some parts of other days. But my pilot knew where all these places were because he flew there all the time. Sometimes I went unaccompanied and met the district advisor, and he introduced me to the district chief.

Q. Did Colonel GUINN ever discuss this subject with you?

A. No, sir. I have no recollection of any discussion of any incident of this type at any time during my tour. And that, as I say, is a strange thing to me. I do not understand how something like this could have gone on and then suddenly blossomed, and I did not know about it.

Q. Let me refer you to this document (Exhibit M-34). Here is a memorandum prepared by Lieutenant TAN. The English translation is the later part of it. You will notice the distribution of it?

A. Yes, I see, to 2d ARVN Division headquarters and MACV sector. Well, that, of course, was Colonel GUINN's outfit.

Q. That's right. So, we know that General TOAN had a copy of this. We know also that they had it in the advisory staff.

A. On the province side.

Q. On the province side.

A. Well, to the best of my knowledge, I believe I have never seen that document in any form.

Q. Well, doesn't it seem strange that Colonel GUINN would have a document such as this with the information that it contains and so forth and would not inform you about it?

A. Yes, it does. I suppose the information in it or the allegations would depend, so far as the notice taken of them, on the perception of the individual who became aware of it. That is to say, I don't know. Perhaps the province people had many allegations made of this nature, and this was another one of that type. I don't know. With respect to Colonel GUINN having mentioned it to me, there really would be no reason for

him to do so except that it is a very horrible allegation which would excite curiosity. But, so far as the involvement of the division advisory team, there was none, and therefore he may have thought it as strictly province business.

Q. Oh, he knows it as well as anybody else that division has a copy of it. So he has every reason in the world to talk to you about it.

A. Well, I see your point, sir. But a copy of this was not sent to the 2d ARVN Division advisory team.

Q. Well, that may be true, but I think one has to assume relationships between you and the division commander to the point where he would show you a copy of it and make such information available.

A. One would think so. Although, as I stated last time, this was a period of TOAN and myself becoming acquainted, and I was most unimpressed with what I saw in every way. Relations were not cordial between us. They were very polite, but studiously polite, not genuinely polite.

Q. At this particular time, if you recall, the combined campaign plan had just been published. Although it was effective for the entire calendar year of 1968, it was late in getting out and being effected, primarily because Tet set the thing back so that the plan did not come out until some time in March. This combined campaign plan specifically spelled out, for example, the neutralization of base area 117 as a primary target for the Americal Division, and it also spelled out closer cooperation and coordination between U.S. and ARVN forces. It was at this time, if I can interpret what I hear from people from division, that the Americal Division was making a major effort in developing closer cooperation and coordination with the ARVN. I think the number of troops that participated in Burlington Trail and Norfolk Victory, the magnitude of those operations would indicate much closer cooperation than existed before. Now, with all this going on and with the division trying to develop this, it seems a little bit difficult to me for you to remain outside all of this.

A. Well, I don't think at all, General, that I remained outside of it, of achieving a closer relationship on a continuous basis. I didn't remain outside of that at all. After I arrived,

it appeared to me that there was already a close relationship, a very fine rapport between General KOSTER and General TOAN, and so far as I can recollect, between brigade commanders and their ARVN counterparts. I recall from several different quarters having the emphasis placed on achieving an even closer relationship. This I feel I fostered and helped along very directly, but not while General KOSTER was there, I don't think, because he wasn't there long enough. Certainly I can say with conviction that when General GETTYS came in that originally and initially General TOAN was not drawn to General GETTYS because he didn't know him, and he didn't understand his very soldierly ways. I think he was intimidated by his size, too. It took him some months to get close to General GETTYS. And I assisted greatly in promoting that relationship. What had existed before I arrived with respect to the subject that you just brought up, and just after I arrived, I think I had only the thought in mind that we must try to get the American and the Vietnamese together more on the field operations and to get the Vietnamese out of the cities and out into the fire bases where they can probe the enemy where he lives. That very definitely was a part of my initial activities.

Q. Well, you see, you said some things which would indicate that General, then Colonel, TOAN was quite cooperative with General KOSTER, and was getting along well with him, and worked well with him, and was getting this high degree of cooperation that was shown him. What was your problem then? I don't see what your problem was.

A. My problem, General?

Q. Yes. You indicated that for 2 or 3 months you had trouble. It seems to me that you had the whole basis for a real sound relationship there, instead of what you indicated.

A. I don't know how to put it succinctly. My quarrel with TOAN never was eyeball-to-eyeball contact confrontation where we called each other names. And apart from him, particularly during the first 3 or 4 weeks of my orientation, I found so many things wrong every place I looked. Most of the time it was deficient troops, but other times, it was RF/PF who were manning certain small outposts in various places with ammunition thrown all around, the wire and fuses taken out of various types of ammunition, the charges taken off of the fin assemblies of mortar rounds, and the mortar rounds just rusting away, a tremendous amount of--

Q. (Interposing) Are you talking about ARVN or are you talking about RF/PF?

A. Both.

Q. Well, the RF/PF fell under province.

A. Yes, but General TOAN owned those two provinces and what I was after him to do was not only clean up the division area so that it looked like a soldierly outfit, but also get after the province chiefs and require that they do the same thing with the RF/PF. During this period of time I had really no conception of the other problems, as I think I indicated at my previous appearance, that General TOAN had with various pressures that were brought against him. These problems that immediately hit me in the face were not the only ones with which he had to contend, but during this period of time I recall no occasion where I had anything complementary to say about the division operations. They went out in the daytime and sometimes they stayed out, but they withdrew into these very conventional bivouac arrangements during the night. More frequently they came back into the towns. They were townbound. The first big breakthrough between TOAN and myself came when I convinced him that the thing to do was to get at least one battalion out here to this point (indicating), the first time it had ever been done. It took me 3 weeks, and about a week later it became his idea, which is fine. I did the same thing over here, and then he got the idea and received many plaudets from the U.S. and the Americal Division and so on for doing this, and he kind of fell in love with that idea. During this initial period, General, I didn't have anything good to say to him. The good relationship that we developed afterwards was not being built at that time. It was a strained relationship. We conversed much of the time in French because he is a graduate of Saint Cyr, and I recall one occasion where it was brought home to me that he really didn't like me very much. It occurred in connection with a visit to Phil BOLTE's outfit, to Colonel THO up in Tam Ky, and on the way back from Colonel THO's headquarters, which was about two blocks, we walked along the road to the chopper pad and discussed things in French among THO and General TOAN and myself, just light chitchat. The subject of BOLTE came up. BOLTE was not physically present at this particular moment, and THO said to TOAN that he had great respect for Phil and that Phil was a real soldier and had done a fine job for him,

but he found it sometimes difficult to talk to him. I recall having said, "professional but difficult in nature," in French, and TOAN said, "Yes, that's a good way to express it; like yourself." That was my first indication that we had a Mexican standoff. I mention these things only to fill out a little bit of the background of our relationship as it began.

Q. Well, you can see here General TOAN has this knowledge, and PHO has this knowledge, and you are in the same headquarters. GUINN has this knowledge. It seems a little incomprehensible that this information was not brought to your attention.

A. I would be the first to agree, General. I am unable to corroborate, and it does not seem reasonable that I should not be able to corroborate, at least in part, some of these things, but I cannot.

Q. Well, we have one other individual that we might discuss and this has to do with your G2 advisor.

A. Major EARLE, Tom EARLE.

Q. What did he ever tell you?

A. You mentioned Major EARLE on the phone in our conversation, General, and that's really the first time I thought about Tom in connection with what you asked me to do over the weekend before this one. I reviewed everything that I could remember involving personal talks and so on between Tom and myself, and I remember many. He was in the same chopper the first time we were shot at. We had some wounded in the chopper and so on. I have absolutely no recollection of Major EARLE having discussed any such incident with me at all.

Q. Let me read you a little bit of the testimony from Major EARLE. Up to this point I've been asking Major EARLE questions concerning certain documents and what he knew about various things, and Mr. MACCRATE very aptly emphasized this when he said this:

"Major EARLE, you've told us that you've heard from Colonel GUINN about the VC propaganda leaflet, that you heard from Colonel GUINN something about the district chief's report,

that you heard from Colonel GUINN, that the province chief had someone looking into it, that you heard from Colonel GUINN, that he was passing it up through his channels, and that you heard from Colonel GUINN that he was seeking additional information about this matter. You said all these things to us this afternoon.

"A. Yes, sir.

"MR MACCRATE: Now, have you any further recollection of what Colonel GUINN said to you other than these things that I have just listed to you?

"A. No, I don't have any additional information."

The point being that here is a subordinate of yours that has all of this information, and frankly he has practically all of the information?

A. I have no explanation for why it was not mentioned to me.

Q. Do you recall a meeting that was held about the middle of April after the briefing at 2d ARVN Division headquarters which took place in evidently the advisor's office or in that general neighborhood between at least Colonel GUINN and Major EARLE? There were other people present, but it is hard to put people there.

A. Well, of course, I don't recall any specific meeting at all. This was about the 15th of April, give or take a day or two?

Q. It would certainly be after the time that Colonel TOAN had directed Colonel KHIEN to investigate it which was on the 15th of April.

A. I have no recollection of any such meeting, General, but, of course, GUINN was in and around whenever he pleased to be. Not very often but--sir, I recall no such meeting.

Q. Well, I will read you a little bit more. We're talking about EARLE and his relationship with his counterpart, and the question was:

"What was your relationship with the G2 of the ARVN division and what was his name?

"A. Major PHO, Tan Van PHO to be exact. I knew Major PHO very well. I thought he was a very competent officer and a real outstanding man, and I have the utmost respect and admiration for Major PHO. An outstanding man by any standard of measure.

"Q. Do you think he was a highly competent intelligence officer? Is that what you're saying?

"A. Yes.

"Q. Were you familiar with any reports which may have been provided the division commander or the intelligence officer from the Son Tinh District some time toward the end of March, or the first part of April, or after concerning this My Lai?

"A. No, sir. I was not. However, I heard of an incident there, and I believe it to be the same one. I didn't hear it from him though. In fact, I discussed what I heard with him, and he labeled it VC propaganda, and that was about it.

"Q. What did you hear?

"A. Well, sir, I heard, I believe, from Lieutenant Colonel GUINN, who was the sector advisor, during our daily morning briefing, and I believe people from his sector team had heard that about 500 South Vietnamese were killed from artillery fire, or that the Americal Americans had killed 500 South Vietnamese by artillery fire, and that was about the extent of it.

"Q. Did he tell you how he got this information?

"A. I believe he said someone had a leaflet, a VC leaflet, or something of this nature."

A. I recall nothing.

Q. The indication from Major EARLE was that this had been mentioned by Colonel GUINN in his staff briefing, and that subsequently Colonel GUINN and perhaps Major EARLE and others got together and talked about this.

A. It would seem so.

Q. Yes?

A. I had a staff briefing every morning and either Colonel GUINN was there or he had one of his representatives, normally his sector 3, if for some reason he was not there himself. And very frequently, I can't be specific about any one such occurrence, but very frequently I had in my mind that right after the formal part of the briefing was over, and I got up and went back to my office, or called people in to talk to them about one thing or another, other members of the team that were at this briefing would get together with certain people and discuss things. I can remember much talk in the briefing room following the briefing and--

Q. (Interposing) I'm thinking, though, that specifically in the briefing given by Colonel GUINN he had alluded to this item, 500 Vietnamese being killed, and then subsequently they discussed it in greater depth when many of the other things came out.

A. Well that may be, General, because at the sector-province level, they had their briefing at the same time we had ours, and sometimes Colonel GUINN would come to ours and sometimes he would not. So it's quite possible that he mentioned it in his own briefing--

Q. (Interposing) No, I'm talking about the fact that at the briefing, the morning briefing at the 2d ARVN Division, this had been mentioned, and that subsequent to this time that discussion ensued.

A. The only time, on Monday morning, and it was regular as clockwork, then Colonel TOAN attended the morning briefing. The only other time he would do so would be times of great stress, when there was certain activity going on that he felt he had to keep his finger on and get caught up in first thing in the morning. But only the Monday briefing did he attend, and only therefore the Monday briefing of the 2d ARVN Division did I attend. My deputy attended every briefing.

Q. Well, which briefing did Colonel GUINN attend?

A. Well, I seem to recall that Colonel GUINN would attend the Monday morning briefing at 2d ARVN Division.

Q. Would he not attend your own staff briefings?

A. If it were a Monday morning, Colonel GUINN would be there, yes. My briefing was at 8 o'clock; my staff briefed me at 8 o'clock. The ARVN briefing normally took place at 8:30 in another building, but very close by. Colonel GUINN's briefing took place, I suppose, a good mile and a half away at his own headquarters, and I don't recall just exactly the timing, but I think it was about the same time we had ours. But it was only the Monday morning briefing that Colonel GUINN and myself normally attended at the 2d ARVN Division.

Q. The time period we're talking about is the middle of April. It does happen that the 15th of April was a Monday. There is no question about it being at the ARVN Division. You said maybe Colonel ULSAKER was there, but it was pointed out it was probably in April because of the subject matter. Major EARLE indicated, well, Colonel ULSAKER was gone; if the advisor was gone, it would have been Colonel HUTTER, not him. He said:

"I was thinking that this thing came out about the time it happened, and if that were the case, then Colonel ULSAKER would have been there. But if it came out in April, then Colonel HUTTER would have been the one that was there.

"Q. Do you remember who was at the briefing other than yourself and Colonel GUINN?

"A. Specifically, no, sir, I don't. I know who the members of the team that were there at the time were, but exactly who was at the briefing, I am not sure."

Then he went on to list the group of people that were in the headquarters, including Major HANCOCK, Major DOSIER, Major GRAY, and Colonel CROMWELL. He also mentioned Captain FREE-MYRE. The discussion was who would probably have been with Colonel GUINN, and it was mentioned that then Major HACKING might have been with him. So this was the subject that Colonel GUINN had broached, and subsequently there was this discussion.

A. Come to think of it, that would have been the second Monday that I would have been over there. The first Monday I was not yet there. I believe that would have been the 1st. The 1st would have been around then. That may have been a Monday. I didn't come back from Hue until the 1st, and then spent, I believe, that night in Danang. So I arrived down at Quang Ngai on the 2nd with Major EARLE. Incidentally I recall having just come--that was the first time I had met him; he was on his way back from R&R. In going from Danang to Quang Ngai, we stopped at Hoi An. Colonel Tom JENKINS had been my brigade executive when I commanded a brigade in the States and arranged for me to go out to see something of Quang Nam Province. We flew out to An Hoa and got badly shot up. His S3 lost his leg and so on.

That must have been my initial Monday. Of course, on Mondays too there was a 2d ARVN Division traditional flag-raising ceremony. The following Monday and Mondays after that, I don't recall specifically, General, except that the second Monday may well have been one of my orientation days elsewhere which would have called for an earlier takeoff. I cannot say that--that's a possibility only, and I mention it only in that context. But normally I was there on Monday for the ceremony, my briefing, and General TOAN's briefing, and then we would go wherever was necessary. But there is a possibility, of course, that I was not at the second one since that was well within the initial--

Q. (Interposing) Yes, well, you were.

A. Getting around. I do not recall having been or having not been.

Q. Recognizing that, doesn't it seem most unusual that your intelligence advisor who worked for you would have all of this information and he would keep it to himself and mention nothing to you?

A. It does indeed, it does indeed. However, never having discussed this with Major EARLE, I gathered from the testimony that you read that his perception of the propaganda leaflets and that which was told him didn't really cause much of a stir in his mind. I have the impression that he passed it off as another one of those ridiculous allegations or something. That is the impression I got from the testimony. So that may, if that is true, account for his not mentioning it.

Q. Well, there is some indication of a discussion of 500 women and children killed. This is preposterous, beyond the realm of comprehension so to speak?

A. Yes, sir. Also it would seem possible that since I was so new and since this was at least at first glance a preposterous allegation, nothing was said for those two reasons.

Q. Well, I would take it quite the opposite. I would take it that for this reason it would be called to your attention, somebody wanting to make sure that his new boss would be cut in on everything, you know.

A. It certainly could be argued from both sides of the fence.

Q. Yes. I would argue very strongly on the latter.

A. Yes, it certainly is, sir.

MR MACCRATE: I see very little basis for arguing it the other way, Colonel HUTTER, and I am quite struck by your testimony of that point because here is something that Major EARLE told us was being investigated by Colonel GUINN. This wasn't dismissed, and to avoid it in that way is not dealing squarely with the situation.

A. Yes, sir.

Q. General KOSTER speaks of his discussion with Colonel TOAN and he says:

"I believe to the best of my recollection I went there to see if he felt there was anything to this, if he was concerned about this, if he had a source, a South Vietnamese source, that had been able to uncover anything that we hadn't as U.S. investigators and been able to check it out."

You notice that General KOSTER is investigating this.

"I don't recall whether he said he had investigated this or he was investigating this. At that stage of the game he did not. I don't think he took the figures that had been put in the propaganda as being accurate. And I think I left with the idea that if he did uncover--and gave him the idea that if he did uncover anything here, he should send it on to me."

Now what is your recollection of such a discussion between General KOSTER and Colonel TOAN?

A. No recollection at all, Mr. MACCRATE.

Q. Will you deny that such a conversation took place?

A. I do not deny it. I simply say that I do not recall any such conversation.

Q. All of these things going on about you, and you just had no awareness of what people were doing?

A. I would not have had awareness for several reasons unless they had specifically come to me with this. They did not. I was busy with other things, trying to get my feet on the ground, becoming knowledgeable of

Q. (Interposing) This is a part of getting your feet on the ground. This is a part of becoming knowledgeable.

A. I agree.

Q. And you--

A. (Interposing) But this particular subject was never broached to me. For what reason I can only conjecture as we discussed a few moments ago, but it is only conjecture as to why it was not. I will never know.

IO: Well, at the same time, we have these statements from Major PHO and Colonel TOAN that these things were discussed with you and you were there.

A. Yes, sir, but there would be nothing--believe me when I say that I have cudgeled my mind as best I can and nothing relating to any such incident as this comes to the fore. There is no reason for me not to mention it. I can assure you, gentlemen, that there is no reason for me to dismiss this. I think that it's a terrible allegation. And for that reason, I cannot conceive why if it was ever discussed in my presence how I could possibly forget it. I'm convinced that it is not a question of having forgotten anything. It's the question of it never having been there in the first place.

Q. Well, I don't think that we can just dismiss what General TOAN has to say, what Major PHO has to say, or what General KOSTER had to say, because they're all saying the same thing.

A. Are you referring now, General, to my having been present at the discussion?

Q. Yes.

A. I have nothing to offer in that connection, General, except that I just do not recall anything at all; for what reason I can only conject. The possibility exists I suppose, and this is conjecture, that I was there for part of the meeting and was gone and came back. This happened frequently, particularly when I would get calls early in the morning--if this meeting happened early in the morning, and I don't recall--from CORDS on any number of things. If I was in the headquarters, since I was, I wanted to find out about it. But that is conjecture, pure conjecture. I went over with painstaking detail everything that I could recall that I said about this, psychic

arrangements, trying to fix in my mind's eye where General KOSTER sat, and all this sort of thing. During this meeting that I do recall between General TOAN--

Q. (Interposing) I think this is the meeting we're talking about, very frankly. We're talking about the Tien Phuoc operation.

A. Well, maybe.

Q. When you get down to it, you had very few meetings with General KOSTER. This, aside from maybe a call which you made on him, very likely is the first meeting because as I say, we've gone over this and we've gone over it. The indication is that this took place on the 14th or 15th, probably the 15th of April.

A. Yet nothing, nothing comes to mind at all regarding this subject. So far as other meetings with General KOSTER, there may have been. If there were, they were just in passing. There was--no subject was recalled then.

Q. General KOSTER had good reason to be with General TOAN on that particular day, because on a Friday--on a Saturday they'd had a rough day up there.

A. Yes.

Q. They didn't have enough troops up there. They had 21 wounded on the 13th and there was pressure on Tam Ky. He had good reason to come down and talk to General TOAN about the Burlington Trail operation, about Tien Phuoc or whatever people want to put on it, because of the situation.

A. Yes, it seems so.

Q. So this is the topic of discussion. This other is somewhat of a side issue, with PHO bringing this document in for Colonel TOAN, and Colonel TOAN discussing this document from the district chief, Lieutenant TAN, to the province chief, Colonel KHIEN, and also mentioning the VC propaganda and also telling General KOSTER what he was doing with it.

A. I can only say that it seems very strange that, as I recall I mentioned it last time, Mr. MACCRATE said that this was going on around me and I was not made aware of it.

Q. About this time did you make any arrangements, or did you, or did Colonel HENDERSON visit Colonel TOAN?

A. Oh, yes, a number of times. He would fly in when he was in the area or if he had something specific.

Q. You'd probably remember this time because about then and maybe as late as the 10th, he had his leg in a cast.

A. I recall that he had been wounded and that he was limping, and it went on for some time, as a matter of fact, and he flew in and out. Of course, the other brigade commanders did too, it wasn't just Oran HENDERSON. But I recall a couple of times when HENDERSON came in, and I happened to be there in and around my office. What would happen was the chopper would call into my TOC, and we'd send a jeep out to the Tropo Pad. And a couple of times I recall him coming in, and I would say, "What can I do for you? What are you interested in?" "Well, just dropping by to see what the situation is." And I can recall a couple of times when I said, "Would you like to see Colonel TOAN?" He said, "I'll just stop in and pay my respects." There would be chitchat. Certainly there would be operations discussed, but nothing sticks in my mind.

Q. At any time you were with Colonel HENDERSON and perhaps his S3, Major MCKNIGHT, do you recall that Colonel TOAN talked to them concerning VC propaganda?

A. No, sir.

Q. Or provided them copies of VC propaganda?

A. No, sir, I do not.

Q. When you were here last time we discussed pretty much in detail the procedures of how a document would get from the 2d ARVN Division to the 11th Brigade.

A. Yes, sir, I remember.

Q. You indicated there were many methods, any one that was used would be purely a matter of conjecture. Do you recall, by chance, the S2 from the 11th Brigade, Lieutenant Colonel BLACKLEDGE, coming there to talk. I don't imagine he would go in to see Colonel TOAN. He may have gone in to see Major PHO, perhaps Major EARLE, other members of your staff.

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A. I don't ever recall an officer by the name BLACKLEDGE. I regret very much that I am inadequate in this area. I only wish I were able to shed some light on whatever the particular thrust is of these questions, General, but I am unable to recall any discussions, any such thing as this being mentioned.

Q. Well, I think for your benefit I'm going to have to recall what my directive is. First, I'm to look into any investigations to determine whether they were adequate or not; secondly, the sufficiency of any reviews of any such investigations; and thirdly, whether or not there had been any intent at suppression. And we're looking at, believe me, every angle.

A. Yes, sir.

Q. Because, you see, you sit in, to be very frank, a very unique position. You have people all around you that we know knew what was going on, that had information, and you profess to know nothing.

A. Yes, sir, I do profess to know nothing. And I would be the first to understand why that seems incongruous.

Q. Just look at the people that do know. Your counterpart, for example, he knows.

A. Yes, sir, but he would have no real reason to mention it to me because I was new and this happened before. The allegations happened before I arrived.

Q. He'd have every reason to mention it to you. You're his advisor. This has to do with an allegation against the Americans.

A. Yes, sir.

Q. You're the senior American advisor, that's one. Two, EARLE, he's got all this information available to him. He may not size it up properly, but he has all this information and knows that the ARVN are doing certain things, and he knows that GUINN is doing certain things. And other one also, not exactly your counterpart, but you contemporary, so to speak, Lieutenant Colonel GUINN. He certainly is aware of what these things are.

A. Yes, sir. That's obvious.

Q. He knows that the letter has been written. He knows that

an investigation is under way.

A. I must--I fully appreciate everything that you're bringing up, General, but the fact remains that I was not a party to any of this information. I don't know whether it's in the testimony or not, of course, but it has not been brought to my attention whether or not there has been any allegation made by anyone or any statement made by anyone specifically that I had been informed of this.

Q. No, but again--

A. (Interposing) I apparently was present at a meeting where this received some attention, but I do not recall any of this. Of course, when someone goes in somewhere brand new, certain things are discussed from time to time, no specifics. I can't come up with any specifics, which were of a continuing nature which had happened prior to the time this new chap comes in. And the subject matter is not identified except by previous acquaintanceship. Therefore, frequently the new fellow hears things going on, but doesn't tumble to the true significance. That too is conjecture. But I am not by nature inquisitive, I don't believe. And my wits, I hope, are sharp enough to inquire about such things if I were ever triggered in that direction. But in reviewing it almost 2 years back, in retrospect I find nothing at all that I can put my finger on that triggers any recollection.

Q. Do you recall anything later in the month of May when General KOSTER and Colonel TOAN may have been together. According to General KOSTER's recollection, it was in General TOAN's office or in the 2d ARVN Division compound where this matter was discussed. They could find no basis upon which the allegation which had been made could be proven. So they decided it was VC propaganda.

A. No, sir, I do not recall any meeting other than those four that I mentioned. Although I'd be the first one to say there probably were other occasions, but I can't tie these specifically. Nor at any time--this is the part that strikes me as if perhaps there was a reason why they didn't let me know, that General TOAN didn't let me know or never mentioned this to me. But throughout the ensuing months of my tour, and after we had really built up a very fine professional as well as personal relationship, not once in our chitchat conversations about family, about all manner of things, was this ever mentioned. And we were very frank. At least I felt he was very frank. I certainly thought he was in discussing good

points and bad points as they related not only to his forces, but as they related to U.S. forces as well. I specifically recall one item of conversation relating to adverse criticism of U.S. forces which was certainly well merited. And that was on the appearance of the U.S. soldiers in Vietnam. The worst looking people in Vietnam were the U.S., the long hair, the beards, and in some cases they had the hippie beads around the neck, unkempt mustaches. These were division troops as well as various types of supply troops. I could control my own people and did, but there wasn't much I could do about the casual passerby in a convoy. And TOAN would needle me about this from time to time and rightfully so, because he liked to catch me with no comment or comeback once in awhile.

Q. Well, we appreciate very much your coming in. I would ask you to continue to think about this to see if you do have any recall.

A. I certainly shall, General.

MR MACCRATE: If there's any way that you can fix definitely the date of the meeting with respect to Tien Phuoc, that would be helpful too.

A. General PEERS asked me whether I kept a notebook, and I've gone over that several times too. I always kept a notebook in my pocket, but as soon as that notebook--it was one of these small, issued, green notebooks--as soon as one was filled up I destroyed it. I did have certain call sign information, frequency and so forth, codewords, and I made it a point not to keep any type of documentation that at any time could possibly be a breach of security.

Q. Do you remember where you spent Easter of 1968? It probably was just another day in Vietnam but on the other hand it might be the day that you had a better meal than other days.

A. No, I recall nothing about Easter, Mr. MACCRATE. Thanksgiving and Christmas, yes, and the day that President THIEU promoted Colonel TOAN to General TOAN which was the first occasion that I'd ever met President THIEU. I had a long--well, a reasonably long chat with him, but nothing stands out at all as far as Easter.

Q. Easter that year was the 14th of April.

A. No, nothing stands out. Just another day.

IO: Well, do you have any other things you'd like to add at this moment?

A. No, sir, I have nothing.

IO: The hearing will recess at this time.

(The hearing recessed at 1330 hours, 28 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: SPELTZ, Carl W. MAJ

DATE OF TESTIMONY: 30 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: PSYOPS Advisor to the Quang Ngai Province G5 from 13 September 1967 to 8 September 1968.

1. KNOWLEDGE OF THE OPERATION.

Major SPELTZ recalled an operation in the Pinkville area on 23 February (pg. 11). In regard to the mid-March operation he only remembered a high enemy body count. He did not know there were only two U.S. KIA and three enemy weapons captured on that operation (pg. 11). He was only familiar with Task Force Barker by name and knew nothing of its organization or history (pg. 9).

2. PSYCHOLOGICAL WARFARE OPERATIONS IN THE BATANGAN PENINSULA.

The witness had leaflets dropped once a week in the Batangan Peninsula stressing the surrender of the members of the 48th VC Battalion. Safe conduct passes were included (pg. 6). However, his section did not drop any leaflets telling the populace to leave the area and move to one under GVN control. However, this was possibly done at the district level (pgs. 6, 7). He admitted that there was a duplication of effort between his section and district in PSYOP operations (pg. 8). The revolutionary development team worked for Mr. MAY, and SPELTZ conducted no PSYOPS operations in conjunction with them. He did not

(SPELTZ)

establish a working relation with Mr. Neal PHU, a Vietnamese member of the RD team (pg. 16).

3. VC PROPAGANDA.

The VC propaganda from the Batangan Peninsula area was crudely done. It was produced in Tu Nghia District on the south side of the Tra Khuc River (pg. 9). The witness stated that if the propaganda inclosure to Exhibit R-1, which deals in specifics, had come into Quang Ngai Province or sector headquarters, he would have expected to have seen it. However, he did not recall ever seeing it (pgs. 12, 13). He had never heard of the VC spread-eagling a woman's body and placing a unit patch in her crotch (pg. 26).

4. REPORTS AND INQUIRIES REGARDING THE 16 MARCH ASSAULT ON MY LAI.

SPELTZ had never heard of a report about unnecessary killing of civilians in the Son My area in mid-March, nor did he hear of a confrontation between U.S. ground and aviation units (pg. 13). He was not aware of any mid-April meetings of Lieutenant Colonel GUINN, Major GAVIN, Mr. MAY and Captain RODRIGUEZ. However, SPELTZ' office was located one mile from MAY's and GUINN's (pg. 14). He had never heard of anyone discussing Tu Cung or Co Luy, or of a report from a village chief to the district chief (pg. 16). He had never seen RODRIGUEZ' statement of 14 April 1968, nor had he seen a census grievance report indicating something unusual had occurred in My Lai (4). He had not heard anything regarding Vietnamese wearing arm bands, badges, or having days of mourning for an occurrence in My Lai (4) (pgs. 18, 19). The witness did not know that GVN, ARVN and the U.S. were investigating an incident that occurred in Son My in mid-March (pg. 20). He never had any reason to suspect that something unusual had occurred in Son My (pg. 20). SPELTZ did recall a demonstration when Vietnamese from that part of the province marched on Quang Ngai City in mid-April. He did not know what their grievances might have been (pgs. 21, 22). From the claims presented and the witness' intimate knowledge of hospital admissions, there were no indications that something occurred in My Lai (4) (pg. 25).

5. OTHER INFORMATION.

a. SPELTZ had no knowledge of an RF/PF unit being attacked in mid-May and having 75-85 of their dependents abducted. The witness did not recall any VC reprisals in the Son My area (pg. 23).

b. The witness knew that there were strained relations between the Province Chief, Lieutenant Colonel KHIEN, and his U.S. advisors immediately after Tet. GUINN succeeded in having the Americal Division send a couple of companies down to the Quang Ngai City area as a show of force (pgs. 13, 14).

c. Since the My Lai operation has become a matter of public knowledge, SPELTZ had only talked with an associate, Lieutenant Colonel GRUBAUGH. The substance of this conversation was that neither realized that there had been an incident (pg. 3). The witness primarily handled military matters in their section while GRUBAUGH handled civilian matters (pg. 5).

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EXHIBITS

[illegible]

(SPELTZ)

4

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3050

(The hearing reconvened at 1722 hours, 30 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, COL ARMSTRONG, and MAJ LYNN.

The next witness is Major Earl Karl W. SPELTZ.

(MAJ SPELTZ was called as a witness, was sworn, and testified as follows:)

Major SPELTZ, for the record, would you please state your full name, grade, Social Security number, organization, and station?

A. Karl W. SPELTZ, Major, U.S. Army, Armor, First Student Brigade, Detachment A, Fort Knox, Kentucky, Armor School. I'm actually a member of AOAC 1-7.

RCDR: Your Social Security number, please.

A.

IO: Major SPELTZ, aside from myself here this afternoon, I have Colonel ARMSTRONG who has been designated as an assistant by the Chief of Staff, General WESTMORELAND, for the purpose of this investigation. He may also address questions to you this afternoon. We also have other groups, aside from those of us here, who are taking testimony from other witnesses. It will be my job, however, to put together in final report, to weigh the associated evidence, and to make the findings and recommendations. Do you have any questions at this time?

A. No, sir.

IO: We'll take a short recess.

(The hearing recessed at 1725 hours, 30 January 1970.)

(The hearing reconvened at 1726 hours, 30 January 1970.)

IO: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present.

IO: I'd ask you, Major SPELTZ, if you've had an opportunity to read the instructions (Exhibit M-57)?

A. Yes, sir.

Q. Do you understand them or have any questions?

A. I do understand them, sir.

Q. Major SPELTZ, would you indicate your duty assignment in the middle of March 1968 and indicate when you had taken that assignment, any changes of assignment you may have had, and when the assignment was finally terminated?

A. In the middle of March, I was the PSYOP advisor to the Quang Ngai Province G5. This is on the regional forces-popular forces.

Q. Well, when had you taken this position? When had you joined the Quang Ngai Province advisory group?

A. 13 September 1967.

Q. And how long did you remain assigned to the detachment?

A. Until 8 September 1968.

Q. Did you retain the same position throughout?

A. Initially I was the G5 advisor which encompassed PSYOP and civil affairs. Later on, in the month of December we got a civil affairs advisor and we split our duties. I advised on the cold war side and he advised on the civic action side.

Q. Who was the civic action advisor?

A. Major Harlen KINNISON.

Q. Major Harlen KINNISON?

A. KINNISON, K-I-N-N-I-S-O-N. I think he's presently at Fort Riley.

Q. Major SPELTZ, the so-called My Lai incident of 16 March 1968 became a matter of public knowledge through the radio, television, newspapers, and other publications toward the latter part of September early October of last year, about 4 or 5 months ago. Since that time have you had any discussions with anybody associated with the Quang Ngai advisory group or its associated district advisory groups, 2d ARVN Division advisory group, or any personnel in the Americal Division concerning possibly the incident itself, any reports concerning the incident, or concerning any investigations of the incident?

A. One individual, Lieutenant Colonel GRUBAUGH, who was at Quang Ngai at that time. And I talked to him about a month ago. Just nothing in detail, it was a long distance call and just general conversation.

Q. What was the purpose of the call, to talk about My Lai?

A. No, it wasn't. It was in and around Christmas time and we were just talking about some experiences and I was wishing seasons greetings to his family, and we did discuss the incident. Nothing in detail.

Q. Was there anything substantive about it?

A. Other than we both didn't realize if there was an incident. We didn't realize there was one at the time.

Q. I have here an organization chart of CORDS, Quang Ngai Province as of late 1967. I'll refer this to you and ask if this is the organization which still existed in the spring of 1968, which you were part of?

A. Structure or the people, sir?

Q. Well, I'm talking about the structure of the advisory group. I'm not talking about the structure of the province or the sector, just the structuring of the advisory group.

A. Yes, sir.

Q. And you show up in here under the deputy for security, Lieutenant Colonel GUINN, is that right?

A. Yes, sir.

Q. In which you were working as the S5 at this particular time, Captain SPELTZ. Then Captain SPELTZ--

A. (Interposing) No, there's one difference there. I can't see Major KINNISON's little slot.

Q. (Interposing) Was he there in--

A. (Interposing) Yes, sir. He came in December.

Q. Well, this was 28 November 1967.

A. Oh, 28 November. Okay, that is correct then.

Q. Now at that time also was not Colonel GRUBAUGH the PSYOP advisor?

A. Yes, sir.

Q. Working under revolutionary development. So there were some changes in the organization from this time until later. Is that correct?

A. Well, no, sir. They just split this section into two parts. Into a PSYOP and a civil affairs section.

Q. So that some of the PSYOP functions from here in fact came over here. Is that correct?

A. Well, we dovetailed this. I worked very closely with Colonel GRUBAUGH and not too--

Q. (Interposing) Right, well, it's hard to draw organizational lines and interrelationships. But that's in fact what took place then. Although you're working over here, you were actually servicing the entire organization?

A. Yes, sir.

Q. Would that be a fair statement?

A. In conjunction with Colonel GRUBAUGH, the PSYOP

effort was a combined effort.

Q. Right. So you covered both the military and the civilian form of PSYOP. Is that correct?

A. I augmented his effort. At times he advised the VIS, Vietnamese Information Service. I advised the military side. We had at some times more assets than they did to put loudspeaker teams on a road and so on. And I'd augment him when he needed it. And I'd--

Q. (Interposing) Well, subsequently Colonel GRUBAUGH, if my memory serves me correctly, Colonel GRUBAUGH moved from this position and took over as the deputy for revolutionary development?

A. Yes, sir.

Q. I believe that's correct. Did he continue his PSY-OP function then, to maintain liaison with VIS?

A. Yes, sir.

Q. He did? And you simply augmented his effort then on the civil side while at the same time providing the backup for the military.

A. Well, my primary effort was on the military side, but I augmented his effort. I helped him out, whenever I could.

Q. All right. I'd like you to, just for the sake of the record, to indicate generally what the PSYOP effort was in Quang Ngai Province on the U.S. side and primarily I'm focusing on Son Tinh District. I'd like you to talk about Quang Ngai as a whole but I'd like you to focus primarily upon Son Tinh District and if you can the area which shows up on this map here in the orange. That is generally Son My village, just south of the Batangan peninsula, the area which you probably know very well from Buddha Mountain and out by the citadel and up in the area which people refer to as Pinkville?

A. Where is Buddha Mountain? I can get myself oriented real fast.

(Point in question is indicated to witness utilizing Exhibit MAP-1)

Q. And see Quang Ngai City to the South?

A. Yes, sir.

Q. I'm talking in March. We're talking of a period about 45 days after Tet.

A. Yes, sir. As far as the attitude of the people, do you want to go into that level and then--

Q. (Interposing) Well, we can, but I want you to indicate primarily what your themes for your PSYOP were and what media you had for disseminating your psychological material.

A. There was a lot of effort from the Batangan Peninsula south. In fact, all along the sand spit from Batangan all the way south. The grounds of the 48th VC Battalion, they'd been kicked pretty hard at Tet and we knew it. Intelligence reports indicated it. So once a week I'd put leaflets into the area, aircraft type delivery, get support out of Danang or using our chopper resources and drop leaflets in that area. The theme was generally the surrender theme and the safe conduct pass. There weren't really any particular target area. We worked the whole coast line in general from Batangan on south, to as far west as Buddha Mountain.

Q. And what was the purpose of your PSYOP?

A. Well, it was generally the fact that they had a sound defeat at Tet and so on, playing this part up, their leaders had let them down, and for them to surrender.

Q. Yes. Well, also a great deal of this area we're talking about was what might be considered area under VC control, could we not?

A. Yes, sir.

Q. Was there any attempt made by U.S. or by the ARVN or GVN PSYOP to tell the people to get out of this area and come back under GVN control and security.

A. From my level, no, sir. Possibly at district level

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there was.

Q. What capability would district have to put leaflets out or PSYOP out in VC area?

A. Well, each one of the districts had a small team that they could send out in conjunction with operations and spread leaflets. If they wanted leaflets they could come through me and I would request it and we'd make a drop for them. Normally, we were concentrating on that area, so much of it I did myself, just dropping in that area.

Q. Well, at that particular time are you sure that each of the districts had an advisory, PSYOP advisory team?

A. Not an advisory team. In Son Tinh at that time there was a Sergeant CRADDOCK, and he worked hand-in-hand with the Vietnamese side. At each one of the districts they had a S5 that he would work with.

Q. Vietnamese S5?

A. Yes, sir.

Q. He worked at district and not at subsector?

A. At subsector?

Q. District being the civilian side, subsector being the military side.

A. It's synonymous--subsector, district.

Q. Well, if you remember in Son Tinh, for example, the district headquarters was down in the village there at the foot of the hill right on Highway 1.

A. Yes, sir.

Q. Whereas the subsector headquarters was up on the hill a little bit to the southeast of there.

A. That's right.

Q. So then did he work in district or did he work in subsector or did he work in both of them?

A. He worked in both of them. I could find him in either place, either in the district headquarters or up on the hill.

Q. Well, we know that he lived on the hill where the rest of the team in fact lived. So I would take it that you generally would be able to locate him up near there someplace. How did you coordinate your PSYOP activities with the Americal Division?

A. When I did it was through a Major HOLTOM, their G5, HOLTOM.

Q. Was he the G5 or was he the PSYOP officer?

A. He was the PSYOP officer, correction.

Q. H-O-L-T-O-M?

A. Yes, sir. It wasn't a real working relationship due to distance. We'd get together on monthly meetings and try to coordinate our effort. It wasn't as successful as it should have been.

Q. Well, one of the reasons I'm asking is it appears to me from what you've indicated that there could be a duplication of effort. He was dropping leaflets out in there as well, on specific themes and so on, and you're dropping them out in there. You have your 0-1 and 0-2 broadcast aircraft which you're using through there periodically. He has the same kind of aircraft available to him so it puts a little competition on it.

A. It was definitely a duplication of effort.

Q. Would you discuss the Viet Cong or the Communist propaganda and what media they used and so forth for putting out their information.

A. Mainly in that area, sir, it was leaflets, crude leaflets, kind of a Sanskrit thing where they'd initial it

out in stone or something and then they'd run ink over it and run paper of some type. It would be very crude. They were being handed out in that area. I think they were produced on the south side of the Tra Khuc River in Tu Nghia District. There wasn't a whole lot. There was some initially after Tet. I'd say about--for about 1 month after Tet they did a pretty good job in that area, of handling out leaflets. And right now I can't remember the details of the leaflets.

Q. Well, we'll come back to that in just a little while. Now, were you familiar with Task Force Barker?

A. Other than just by name, no, sir.

Q. You weren't familiar with the fact they were operating out to the northeast of you, out generally in the Batangan Peninsula?

A. Yes, sir. When they would get their AO extensions and be down in there, I'd know it from morning briefing, but that's all.

Q. Did you know anything about the organization of Task Force Barker?

A. No, sir.

Q. Do you know who they belonged to?

A. Americal, sir.

Q. Did they report direct to the Americal or did they go through the 11th Brigade or part of the 11th Brigade or what were they?

A. Sir, I don't know.

Q. Were you familiar with their operation into this area, a comparable area, which they conducted in early February, the second operation in the latter part of February on 23 February which was conducted in conjunction with some ARVN troops, in which they also used some APCs?

A. 23 February?

Q. We're talking about this area. If you look out here at that map, you see Hill 85. No further to the right, up Highway 521, just to the south.

A. Yes, sir.

Q. Remember that mountain that lay over there. Some people call it Elephant Mountain, other people call it Woman Mountain.

A. No, sir, that operation doesn't stand out in my mind. I remember watching an operation in that particular time frame. It was a Vietnamese, I thought, and there were PC's in it. We had our POC or a CP set up on Buddha Mountain at that time, and they operated in that area. And it was in February, but I don't remember if it was in conjunction with an American operation or not, a joint operation.

Q. Are you sure it was in February? It would be during the monsoon now. Of course, it isn't always raining in the monsoon but generally it's a period of pretty bad weather. Monsoon just tapering off.

A. Well, I thought it was after the first of the year.

Q. Yes, well, there were ARVN troops in this. The U.S. unit operated generally in this area and the ARVN operating in here and another U.S. unit operating in here.

A. The particular operation, it must not be the same. It was, as I say we were observing from Buddha Mountain and most of the action was taking place about in this vicinity. And the reason I remember it, they had to send a reaction force out, which was PC's from Quang Ngai City, to exploit some type of success. And at that time the PC's got lost. That's why it stands out in my mind about this time, because it took quite a while to get the PC's organized and get them going in the right direction.

Q. Well, going beyond this operation and going into the operation in March, were you present during March or were you away on R&R or anything? March now.

A. I was there in March.

Q. All right. Do you remember an operation which combat assaulted from the area of Binh Son, units going into the area what is Tu Cung, I think is what you knew it on the map, the map which you used. And another unit going over here into the area just south of Pinkville of My Lai and converging on this area. You probably wouldn't remember the operational details but you might remember the results. Do you recall an operation in which Task Force Barker reported having killed 128?

A. Sir, I remember this figure from a morning briefing, that it was quite a body count, but that's all I can remember of it if that was the particular operation.

Q. Well, that should have made you fellows pretty happy and you should remember that because you're working against the 48th Local Force Battalion which everybody seemed to be concerned about there, weren't they?

A. Yes, sir.

Q. Yes. And if they killed 128 and they were out of the 48th Local Force that should have been something to remember.

A. Yes, sir. Other than a positive figure, I remember a high count at that time. I couldn't say whether it was in conjunction with that operation or that particular date but I remember a high body count on one particular operation.

Q. Do you remember having only two of their U.S. forces killed and capturing three weapons?

A. No, sir.

Q. Now, before we get to go on with the questioning, this is the map (Exhibit MAP-3), which I understand most of the advisors use in identifying places and things on a U.S. map as far as the Vietnamese were concerned. As a matter of fact, both the GVN and the VC found these names being used more frequently than those which appeared on the map. That is the general area of which people refer to as My Lai, My Lai (4), (5), and (6) is actually the hamlet of Tu Cung. This is My Lai, this is Co Luy actually, L-U-Y, this is My Khe. So that the village of Son My which is shown here as these four subhamlets--four hamlets, Tu Cung, My Lai, My Khe, Co Luy. Did you in your efforts

collect samples of Viet Cong propaganda?

A. When I could, sir. Normally it was filtered in through units on operations through the S2 section and then I could get it directly from the districts, they'd bring it on in.

Q. I'll show you a piece of propaganda. This is an enclosure to Exhibit R-1, two pages. I want you to read those two pages. You can skim the first page because it's rather typical of Viet Cong propaganda but the second page becomes a little more specific. Did you ever see any propaganda like that?

A. No, sir.

Q. May I say what this is? This is a intercept of a Viet Cong broadcast. Of course, it came out in Vietnamese aimed at the ARVN soldiers, intercepted and translated into English and made available in this form. Have you seen or heard anything like this?

A. No, sir, not of that nature, as far as specifying that second page, no, sir. In general terms I've seen things similar to that first page, in generalities.

Q. Sort of broad sweeping accusations or allegations?

A. Broad, yes, sir, broad in scope. Immediately after Tet they came out with a lot of leaflets as to what they did to the Americans and really got to the point. I mean it was so nonsensical you couldn't believe them really, way out of proportion.

Q. Yes. Well, this is supposed to have come out toward the end of March. If this had come into headquarters of Quang Ngai Province or Sector would you have expected to have seen a copy of it?

A. Yes, sir. If it ever came into the Quang Ngai S2 channels or through VIS or PSYOP, I would have seen it. They had other clandestine agencies working there. Sometimes I wouldn't get some of the propaganda they picked up.

Q. But to your knowledge you didn't see this?

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Q. Which direction from the provincial capital was the other compound located? Down toward town or--

A. (Interposing) I could point it out right here. It was--the provincial capital if I remember right was--is that--

Q. (Interposing) No, you're wrong. Well, in the first place, you remember, Highway 1, it ran through the center of town. You also remember that over here to the east of Highway 1 was the compound of the 2d ARVN Division. Coming down here you see the soccer field. Do you remember where the soccer field was?

A. Yes, sir. I'm reoriented now.

Q. And your headquarters was located along in here someplace?

A. Yes, sir. And the other one was down past the junction right in here.

Q. Yes, just beyond this, that huge church was across the street then.

A. Right.

Q. Yes. Did you hear any discussion concerning these people getting together and discussing certain mutual problems?

A. No, sir.

Q. I have here a statement prepared by Captain RODRIGUEZ on 14 April which has been entered into the record as Exhibit M-30. The photostat is not too clear but there is a true copy underneath it, which I believe you'll have no trouble reading. Did you ever see that letter?

A. No, sir.

Q. Did you ever hear about that letter or hear anything, or a statement I should say, discussed in any form?

A. No, sir.

CONFIDENTIAL

A. (Interposing) No, we tried to develop the themes from the reports, the monthly reports, and work on a theme. There were national themes we were trying to push at the time, Chieu Hoi, weapons rewards, Phoenix Program, all these programs.

Q. VIS? VIP I should say, program where they would be paid a certain amount of money for providing information leading to capture of somebody or turning in information concerning mines or turning in weapons, turning in ammunition and so on. That was another of your programs.

A. Yes, sir. And then when we had time if we could develop themes on local levels, we had a local Chieu Hoi Program where we sent our teams up to the villages and we prepared our own leaflets at province level. But really there wasn't a strong effort, from my side there wasn't a strong effort in the refugee villages. We had Red Cross, a couple other services at that time working the refugee villages and I think the Red Cross had the Son Tinh District, if I remember right.

Q. Yes. Well, there were all kinds of them there. There were about six or seven of these social organizations including Friends and the church alliances and so forth; there were several of them there including some foreign groups. Did you hear of any propaganda which the Vietnamese were using, such as slogans, arm bands, national days of mourning for what may have happened at Tu Cung or in Son My Village, badges on their uniforms?

A. They had one program going where they wore kind of a name tape type thing but it didn't have their name; it was Viet Cong and I don't know the literal translation of this. It was down with the Viet Cong or something to this effect.

Q. I'm talking about the Viet Cong; I'm not talking about--

A. (Interposing) Oh, I misunderstood.

Q. My question was whether or not you knew of any Communist propaganda which they were focusing on this area, Tu Cung, Co Lay, Son My Village--

A. (Interposing) No, sir.

Q. To keep this completely in the minds of their people, or the people indicating that. You saw this one telling the ARVN to take retribution and so forth or to take revenge for something that may have happened there. Whether you heard such things come out in leaflets or in slogans, in are bands or patches worn on the uniform, or in any other form of display of any kind, which would be focused on this area?

A. No, sir, other than what we talked about earlier, the general broad scope, the leaflets right after Tet they put out. But that wasn't from that area. It was from south of the river, but they were being distributed on the other side. But a particular campaign by the VC, no, sir.

Q. Did you ever see a notice, about a three-page notice, which was published by the National Liberation Front Committee of Quang Ngai Province?

A. I saw some of their notices. I couldn't say for sure. I don't think I did see any of three pages in length. Usually it was just one sheet.

Q. What did they say on it, what themes would they use?

A. Well, that in particular I'm talking about immediately after Tet when they were claiming victory and American losses and so on in Quang Ngai district.

Q. I have here another exhibit, Exhibit M-35. In the back we have the Vietnamese and on top is the English translation of it. This is a report by the National Liberation Front Committee, Quang Ngai Province dated 28 March 1968. I would ask you to take a look at that and just from looking at the Vietnamese document whether or not you think you've seen a copy of that. As I say, it's about three pages in length.

A. No, sir.

Q. You never saw anything like that?

A. No, sir.

Q. Did you ever hear that province was conducting an investigation of what may have taken place out in Son My Village in the middle of March 1968?

A. No, sir.

Q. ARVN?

A. No, sir.

Q. Did you ever hear of an investigation being made on the U.S. side?

A. No, sir.

Q. Well then being around such as you were and living as close to the Vietnamese and--do you speak Vietnamese?

A. No, sir. I've attended language school.

Q. But you probably had a good interpreter working with you.

A. Yes, sir.

Q. Did he ever talk to you about anything that he'd overheard or anything?

A. No, sir.

Q. From--did you ever hear of a U.S. investigation being made?

A. No, sir.

Q. From keeping your ear next to the ground and from what you might have heard from the Vietnamese or from the U.S. either in a direct statement or a comment, a passing comment, or even a rumor or hearsay, did you ever have any cause to suspect that something most unusual may have taken place out at My Lai or Son My Village or Tu Cung or Co Luy along about the middle of March 1968?

A. No, sir, at that time. I'll qualify it in one respect, that later than March or April, people from that particular part of the province marched on capital city, Quang Ngai, placards and so on. I don't remember what the placards were; in fact I didn't get too close to the situation. Initially I was out of town and heard about the first incident and the second incident. I got into town as they were breaking up the demonstration on the other side of the Tra Khuc bridge.

Q. You mean on the north side?

A. Well, they'd marched--I don't know where they originated but from what I understand when they were observed they were marching in through here. At that time, the province chief called out the RF/PF that were on the bridgehead and sealed off the bridge. And I don't know how they disbanded the first time, since--

Q. (Interposing) What time was this?

A. It was in March, sir. Correction, in April, the latter part of April.

Q. Well, did anybody ever determine what this was all about? Where did the people come from, do you know?

A. Well, they observed them coming in from this area in around Buddha Mountain.

Q. And what was their central grievance?

A. Sir, I don't know. I never did find out. When I got there, the second time it occurred, it was already being busted up; they were already dispersing.

Q. Did you ask your interpreter what this thing was all about or anything?

A. No, sir. I was on the other side of the bridge. There were military forces but I never did get a firm grasp for what the complaint was.

Q. And how many people were involved?

A. I don't remember the number, sir. Two hundred stands in my mind for some reason, but I couldn't say for sure, at all.

Q. Can you give me the approximate dates of these?

A. I'd say middle to the latter part of April.

Q. For the first one?

A. They were only a couple days apart, sir.

Q. About 200 each, was that the way you remembered it?

A. That figure sticks in my mind for some particular reason.

Q. But it never was exactly explained to you what the demonstrations were about?

A. No, sir.

Q. Going on from that just a little bit, while you were there in the PSYOP business working in this area and the RF were starting to get back out to this area along about May or June, putting RF companies back on Hill 85, if you remember?

A. I remember them starting to move out at that time. I don't know if they were back up in that particular area, sir.

Q. Did you know a Major FORD who headed one of the MAT's?

A. Yes--

Q. (Interposing) Headed the MAT to the south of the Tra Khuc River?

A. I guess I don't then. I remember one--

Q. (Interposing) Well, he was in Quang Ngai, but he worked generally out of Quang Ngai along the southern side of

the river, but periodically would move with his group up into the Son Tinh District.

A. Yes, sir. I remember now. He was a tall colored officer.

Q. Yes. Do you remember a situation some time in May or June when after they'd had this RF company on Hill 85, which we discussed before, that this RF company, a Montagnard company was attacked by the VC and some of the men were--or the RF were captured along with about 70 to 85 or so women and children?

A. No, sir.

Q. And they were abducted and never have been heard of since, that there was a lot of consideration that maybe they were killed, all of them.

A. No, sir.

Q. Where you looked for your psychological operation, did it ever appear to you that the Viet Cong from this area and the Batangan Peninsula were conducting operations in retribution for something that may have transpired?

A. They were harassing at that time. I have to think for a moment. They were harassing a lot of refugee villages, not a lot. One in particular, down on the other side of Highway 1, was always a problem.

Q. Yes?

A. I think Binh Son at that time was having problems in their refugee camps, but no particular theme that it was in retribution, but they were--

Q. (Interposing) Not in the form of reprisals or anything?

A. Not that I can remember, sir.

Q. Do you remember one in Binh Son District, one village about 3 or 4 kilometers north of LZ Dottie; that one

village was hit pretty hard, and a great deal of the village burned down.

A. If it was Son Tra, is that the village?

Q. I think that is the village, yes.

A. Son Tra was completely leveled and I think about 60 civilians killed, refugees.

Q. Well, I think there were--I read two reports, one was 72 and the other was 78.

A. Yes, sir. I remember that.

Q. Was that done by mortar fire, or was that done by small arms fire, or demolitions or what? Do you recall?

A. I don't know exactly what type of--it was that the villages caught on fire and they all proceeded to burn down as a result. But I don't know if it was mortar fire or small arms. Can I add one thing, sir?

Q. Yes.

A. There were two other indicators that I should mention. The claims business was handled under our office. If the village was burned down or shacks like that and so on, we'd get a feedback through our claims office, through district and our office. Now this was in contested areas and our controlled areas. VC controlled areas, this didn't apply. And certain times this was fringe area, not out here; it was always VC controlled, but out of this particular area in here there wasn't any feedback in the claims business. Another indicator would have been the hospital admissions, the inpatient at that time. I was very close to the doctors there, in fact one of them lived next door to me.

Q. What was his name?

A. Doctor FLAM.

Q. FLAM, F-L-A-M?

A. F-L-A-U-M; F-L-A-M.

Q. Yes, and he--

A. (Interposing) And there was no indications that there was a large number of casualties.

Q. Do you recall who headed the hospital at that time, who was the senior medical advisor?

A. We had two of them. Dr. CONNELLY was the second one. I can picture him; I can't remember the name, sir.

Q. Evidently through Dr. FLAM and so forth you kept pretty close track of what was going on at the hospital there.

A. Well, they'd give their weekly briefings and pretty well chart it out.

Q. He never had any indication that something might have happened out there?

A. No, sir.

Q. Now let me draw a situation for you. Let's say you have a village that's in VC country or under VC control, but you also have some refugee camps that are where you have quite a large number of people from that village along Highway 58 or immediately adjacent to Highway 1 along Highway 521, for example. Now would that make any difference as far as the admissions in the hospital are concerned? In other words, north of the city, across the river there were quite a few refugee camps.

A. Yes, sir.

Q. And one of those refugee camps was predominately Son My personnel. So it wouldn't be unusual to get people from Son My in the hospital. Of course, if somebody was shot or had a small arms or a wound caused by any kind of ordnance, that would have been a different thing; it should have attracted some attention. And we do know people went in the hospital, but to your knowledge this was not picked up either by the--

A. (Interposing) Any time there was a great influx of people coming from a particular district as a result of, say, artillery or small arms fire in the shaded area where they're contested, maybe 1 month the VC controlled it and so on, when a large number would come in, I'd usually know about it. The doc would let me know what happened. He'd ask me the next morning or the next day or sometime, what happened down there last night. I said, "Well, either the Americal or the Vietnamese had an operation or something down this way." And then he'd explain that they had quite a large influx. I don't remember any coming in--

Q. (Interposing) For your information, we've gone over the records of the hospital quite carefully. As a matter of fact, Mr. MACCRATE has, and we've also talked to Dr. CONNELLY so we have checked this out. I think we've indicated that we're quite familiar with the social services which were there and the various medical and other kinds of services. Can you think of any other indicators that might have indicated something unusual may have happened down here?

A. No. The claims, possibly that march may have, procession on the road there, but that's all I can think of.

Q. One other Vietnamese or Viet Cong stratagem that may have been used has to do with taking a woman's body, as far as I know it's a clothed body, in black pajamas, and obviously a dead one, and planting this body spread-eagle along the side of a road and then planting a unit patch in the crotch section of the woman. Did you ever hear of anything like this?

A. No, sir, not a thing.

Q. Well, Major SPELTZ, I would be sure that based upon what I asked you today that you can gather that we already know quite a bit about this.

A. Yes, sir.

Q. But the fact remains that we are going to every extreme to get every piece of information we can concerning what transpired. As a consequence I would like to ask you to keep thinking about this and the events that transpired and

some of the things that people may have said that may have, in fact, been oriented toward this thing without you ever recognizing at that moment. And if you can think of anything such as this that would be helpful to us, I want you to get in touch with us as quickly as you can. Major LYNN will take care of getting you the necessary information. Also if you know of any documentation of any form, in terms of leaflets, which may be specific in this instance or maps or photos or anything that would be applicable, we'd like to know about those, too.

A. Yes, sir.

Q. Now before we recess, I'd like to give you an opportunity to ask any questions which you'd like to or if you would prefer, give you an opportunity to make a statement for the record.

A. No, sir. I don't have any statement and I don't have any questions.

IO: We'll recess at this time.

(The hearing recessed at 1830 hours, 30 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: ULSAKER, Carl C.

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Colonel; Senior Advisor to the 2d ARVN Division.

1. BACKGROUND INFORMATION.

a. Description of his job.

The witness, on 16 March 1968, was the senior advisor to the 2d ARVN Division, whose headquarters was located in Quang Ngai City (pg. 3). He left that assignment on 1 April 1968 (pg. 3), succeeded by Colonel Dean HUTTER (pg. 19). Lieutenant Colonel Stewart CROMWELL was his deputy, who bridged the period after the witness left (pg. 20). In his job, he worked closely with General TOAN, then a colonel, who commanded the 2d ARVN Division. The witness stated he saw TOAN daily. They planned and supervised operations together, and they developed a "very close relationship." He considered TOAN to be a very competent, able, and courageous soldier (pg. 4).

b. A discussion of 2d ARVN Division operations.

(1) Incident south of My Lai (1).

The witness recalled an operation which took place to the south of My Lai (1), indicated on MAP-1 as LZ (2), where elements of the 2d ARVN Division had three casualties. Colonel TOAN told the regimental commander who transmitted it to the battalion commander that they should remain until they "accomplished something" and within a few hours they had captured a local VC who led them to a tunnel in which they killed over 90 and captured weapons and radios (pgs. 5, 6).

(2) Operations in the Pinkville area.

The witness recalled another operation which took elements of the 2d ARVN Division into Pinkville, but they accomplished nothing which indicated "a lack of aggressivness in that particular case" (pg. 6). He stated that it may be due to the day of the month, because of numbers, superstitions, etc. (pg. 6).

(3) An encounter with the 48th Local Force Battalion.

In November of 1967, TOAN received intelligence reports on the 48th Local Force Battalion, which was as competent a Communist unit as they had contacted, (pgs. 6, 7), was located in the area north of My Lai (1) across the Diem Diem River on the peninsula. The Koreans were supposed to blockade the shoulders of the peninsula while the ARVN's went in. The Koreans could not respond quickly enough and so the battalion escaped the ARVN's (pg. 7). When the Koreans left in either December or January (pg. 8) there was left a large area for the 2d ARVN Division to act in, so, Task Force Barker was created from three companies of the 11th Brigade (pg. 8). Soon after its creation there was a combined operation between Task Force Barker and the 4th ARVN Regiment, commanded by Colonel LOM, in the area south of My Lai (4). The company from Task Force Barker had a "sharp engagement" with five or six killed in the area of Hill 85, but Task Force Barker asked for no assistance (pg. 8). The ARVN's were ready to go in if needed. General LIPSCOMB arrived at the CP in Quang Ngai and was "agitated" because the ARVN units were not helping his company. He was told that the witness had personally called Colonel Barker and asked if assistance was needed and BARKER replied "No, the company is doing fine" (pg. 9). The witness felt that this incident gave General LIPSCOMB a poor opinion of the 2d ARVN Division (pg. 9).

(4) A December encounter west of Son Tinh.

The witness stated that in the week between Christmas and New Year's day the 4th Regiment cooperated with an element from 3/4 which resulted in a body count of 120, mostly elements of the 48th Battalion and the local companies.

(5) Their activities during the Tet Offensive.

The witness stated that TOAN realized that the VC would not honor the religious aspects of Tet so he personally rallied the remaining 50 percent of his units that did not go home on leave. When, on 31 January, they were attacked by a reinforced regiment in Quang Ngai City and Tam Ky, they were able to fight all day with only gunship assistance from the Americans and the action resulted in a body count in excess of 1200 and more than 500 weapons captured, with only 75 ARVN's killed (pg. 10).

(6) Reasons for Task Force BARKER's activities in the ARVN AO.

The ARVN's experienced in February and March a great deal of pressure from the Nghia Hanh District, south and west of Quang Ngai city. Therefore, they left the Son My area and through coordination made it the responsibility of Task Force Barker (pg. 11). On the particular operation in question in March there were no ARVN units participating.

c. Relations between the witness and the province advisory group.

The witness stated that Mr. MAY as the senior province advisor was seen from time to time, but there was not much association with him (pg. 17). MAY had replaced Lieutenant Colonel LYNCH when they went into the CORDS system (pg. 18). GUINN was the deputy (pg. 18). Intelligence information would not normally come from GUINN, but would come through the witness' own G2 advisor (pg. 18). GUINN was his primary contact with the advisory end of the province where the witness had no real responsibility (pg. 19). The witness did not recall the name of his G2 advisor (pg. 19).

2. HIS KNOWLEDGE OF THE ASSAULT ITSELF.

a. His initial information.

The witness stated that on either 15 or 16 March, he knew that Task Force Barker was going to have an operation in the Pinkville area. He knew that they had units in the area (pg. 13), and at his morning briefing on 17 March he had received a report of the body count (pg. 14).

b. Dealings with General KOSTER.

The witness thought he saw General KOSTER either on 17 March or "the day after" and told KOSTER that he heard there was a good operation in Pinkville, to which KOSTER replied "Yes, it appears that way" (pg. 14). The witness did not recall any discussion concerning civilian casualties and stated that if there was, it was not significant enough to stay with him (pg. 14).

c. Dealings with Colonel HENDERSON.

The witness recalled that Colonel HENDERSON took over command of the 11th Brigade on either 15 or 16 March because he attended the farewell parade of General LIPSCOMB on 15 March (pg. 14). He recalled HENDERSON making a courtesy call, but he was not sure what HENDERSON said during it and did not know if HENDERSON was the person initiating the fact of the operation. The witness could not give an opinion of relations between TOAN and HENDERSON because he left two weeks after HENDERSON took over (pg. 14). Normally, if HENDERSON were coming to see TOAN it would be done through the witness' office (pgs. 15, 16).

3. INQUIRIES CONCERNING THE ASSAULT.

The witness was not aware of a discussion between KOSTER and TOAN concerning an investigation (pg. 16), nor was he aware that there was a U.S. or an ARVN investigation going on (pg. 16). He did not recall any VC propaganda at the time but felt that this might be because he was trying to break in his successor and was not spending as much time with TOAN as normal (pgs. 16, 19).

4. REPORTS OF INVESTIGATION.

The witness was not aware of the report from Lieutenant TAN to Colonel KHIEN, which is marked as Exhibit M-28 (pg. 15), nor was he aware of the report marked Exhibit M-31, a report from the Census Grievance Committee (pg. 17). The witness

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stated he had not seen Inclosure 2 to Exhibit R-1, VC Propaganda (pg. 17).

5. OTHER INFORMATION.

a. The witness stated he had talked with Lieutenant Colonel William GUINN when the My Lai matter first came into the newspapers before the Peers Inquiry began (pgs. 3, 4). Colonel GUINN asked him on the telephone if he remembered anything about the massacre or if he had been approached by anyone in the course of an investigation (pg. 3).

b. The witness stated that Colonel TOAN had almost daily contact with General KOSTER under General WESTMORELAND's directive to cooperate very closely with the ARVN's (pg. 11).

c. The witness felt that Colonel KHIEN was a "pretty excitable fellow" but was courageous. He stated that GUINN would be in a better position to comment on KHIEN's performance (pg. 12).

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EXHIBITS

[illegible]

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(The hearing reconvened at 0915 hours, 14 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS,
MR MACCRATE and MAJ LYNN.

The next witness is Colonel (Retired) Carl C.
ULSAKER.

(COL (Ret) ULSAKER was called as a witness, was
sworn, and testified as follows:)

RCDR: Colonel ULSAKER, for the record, will you state
your full name, occupation, and residence.

A. Carl C. ULSAKER, Colonel, U.S. Army (Retired),
Washington Regional Director, U.S. Post Office Department, 2309
North Vermont Street, Arlington, Virginia.

RCDR: Thank you, sir.

IO: Mr. ULSAKER, before we start any questioning, I
would advise you concerning certain matters.

This investigation was directed jointly by the
Secretary of the Army and the Chief of Staff, United States
Army, for the purpose of determining the facts and making findings
and recommendations concerning two matters:

(1) the adequacy of prior investigations and the
inquiries into, and the subsequent reviews and reports within
the chain of command, of what is now commonly referred to as
the My Lai incident of 16 March 1968, and

(2) the possible suppression or withholding of infor-
mation by any person who had a duty to report and to furnish
information concerning this incident.

Our investigation is not being conducted to inves-
tigate all facts and circumstances as to exactly what happened
at My Lai. It is directed to those two specific purposes
which I have just mentioned. Do you have any questions on
those two?

A. No.

(ULSAKER)

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Q. I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident. To the best of my recollection, I have seen no testimony which you've given in this case.

A. That's right.

Q. Your testimony this morning will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes which are being taken by the reporter.

Although the general classification of the report will be confidential, it is possible that the testimony, or at least parts of it, may at a later date become a matter of public knowledge.

Now in addition to myself here at the table this morning is Mr. MACCRATE, who is a civilian attorney who has volunteered his services to the Secretary of the Army to assist me in the investigation and also to serve as a legal counsel to me. We also have other members of the inquiry who are conducting separate interrogations. However, in the final analysis it will be up to me to weigh the evidence and to make the findings and the recommendations.

You should know that we are directing the military personnel who appear before this hearing not to discuss their testimony with other witnesses of the investigation, or with other individuals as pertains to the incident, or the investigative process of it, or the testimony given in this inquiry. To you in your civilian capacity, I would request that you not discuss your testimony in this investigation with others, including other witnesses for this investigation, except as you may be required to do so before a competent judicial, legislative, or administrative body. And here I would also include, just in case it comes up, possibly appearing before the House Armed Services Subcommittee for investigations.

To the best of my knowledge, you have not been cited in the general court-martial case of the United States v. Calley by the military judge of that case. In the event that you are at any time cited in that case, your appearance here would in no way change the applicability or the effect of the order of the military judge. Do you have any questions at this time on what I've indicated?

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A. No, sir.

Q. Mr. ULSAKER, would you state your duty assignment on the 16th of March 1968?

A. I was the senior advisor to the 2d ARVN Division.

Q. And the headquarters was located in Quang Ngai City?

A. That's right, Quang Ngai City.

Q. And how long had you been in that capacity?

A. I'd been there almost a year. I was within 2 weeks of leaving.

Q. When did you actually depart?

A. I departed on 1 April 1968.

Q. Who was your replacement?

A. I remember him but I don't remember his name.

Q. Well, I'm quite sure we'll be able to identify him, but it would be helpful.

A. It was somebody I'd never known before--U.S. Army. He was from Fort Ord, California.

Q. Since the time the My Lai incident became a matter of public knowledge in about September or October of 1969, have you had any conversations with anybody connected with, let's say, the Americal Division, or your advisory group, or the Quang Ngai province advisory group concerning this incident?

A. Only one small incident. I had a telephone call from Lieutenant Colonel William GUINN, who was the province senior advisor at that time. He asked me if I remembered anything about the possible massacre occurring in connection with this operation and whether or not I'd been approached by anybody in the course of the investigation.

Q. Can you recall about when you talked to Colonel GUINN?

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that. I know it had been a difficult area for the 11 months that I had been there. In previous months in 1967, we had actually had, we being 2d ARVN Division, primarily the 4th Infantry Regiment--who had the tactical area most of the time--had several operations into the general area. When I say several I think maybe four or five where the division itself went in. Of course the RF/PF units were in and out of there and some of them were actually stationed out very close to My Lai. One of them on top of what you call Hill 85 here, an outpost--

Q. (Interposing) As I remember Hill 85, it was also overrun during the Tet offensive.

A. Well, yes. I'll lead up to the Tet offensive if it's all right with you.

Q. I'd like you to.

A. Yes, sir. These were in the months previous to the Tet offensive, primarily in 1967, but there were several operations into the area. I would say half of them were very good, and half of them they got in there and ran into a few mines and booby traps and sort of petered out.

(Mr. ULSAKER makes reference to Exhibit MAP-1 in his subsequent testimony.)

I recall one specifically where they got into this cemetery, which is just south of the My Lai (1) there, right here just north of that LZ 2 sticker you have here on the map. And they were in there for about a day and they had two or three people shot by snipers. I think one killed, and they were beginning to get cold feet, you might say, then Colonel TOAN got hold of the regimental commander and he said, "You've lost three people out here." He said, "You're going to stay out here until you've made contact with the enemy and accomplished something." The regimental commander transmitted this to the battalion commander involved, and of course I get this through the advisory chain. There is an advisor with the battalion and with the regiment. Within a few hours they had actually captured a Viet Cong from the local unit there and he led them to a tunnel which went generally through that cemetery for about a half a mile. It had many branches on it and it had at least two levels that I know of. And they blew into that tunnel every 50 meters and called in for people to come out and surrender. Nobody did and when they finally terminated the operation, they went down inside the

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against the 2d North Vietnamese Division up in Quang Tin province and our general opinion was that the 48th Battalion was about as competent a Communist unit as we had any contact with even though they were a local force. But anyhow, we had intelligence that they were up here in, well I'd say roughly the area where you have the yellow company area indicated--

Q. (Interposing) You would say then, in November that was just north of My Lai (1) across the Diem Diem River.

A. That's right, on the other side of the river and in that sort of peninsula that juts down in there, just south of Phu My (1), in that general area. Now, of course there weren't any U.S. troops in that area at that time, and there were Korean troops of the Korean Marine Brigade, who were north of there, and over here, and over to the west. The counter-part wanted to get an operation going out here and try to get out and make contact with the 48th Battalion before they got away. So he asked the Korean brigade commander if he would put a blocking force down and sort of block off the shoulders of that peninsula across there while we sent the ARVN forces in from the south. Well, we couldn't get the Korean brigade commander to respond quickly enough. He didn't want to change his plans for the day, so no blocking force got in. But we hastily assembled the 4th Infantry Regiment, I don't know, 2 or 3 battalions of it, and the armored personnel carrier troop that was based at Quang Ngai and moved out very quickly in an operation into that area.

The ARVN troops conducted themselves very aggressively. The commanding general had whipped up a little spirit-- "We got to get out there. We've got good intelligence on the 48th Battalion." And they went out very quickly. They got in there. They got engaged. By the time we got into the engagement actually, night had fallen and there was a pretty good fire fight in there. We had a few casualties. We got a few VC, not any great victory, but it was a good sharp engagement. Of course during the night they faded out and the next day we had no more contact. We felt that if the Koreans had cooperated with us on that we might have gotten a lot more of them. But that was an indication, I thought, of a good aggressive offensive spirit on the part of the unit.

Now when the Task Force Barker came into here, this was, well let me get into the Tet offensive first. We had normally had this tactical area of operations which went

along the Diem Diem River there as the orange line pretty well shows it, including the Pinkville-My Lai area. The Koreans had had the area up north and out in the Batangan Peninsula. I think it was in December the Koreans got pulled out, either December or early January, I've forgotten exactly, but it was before the Tet offensive. The Koreans got pulled out and sent up north to help the U.S. Marines where they were getting all the pressure on Khe Sanh and up in the two northernmost provinces. This left quite a large area which the 2d ARVN Division didn't have the capability of going in and controlling with any degree of success. The Americal Division was pretty overextended too.

So they created Task Force Barker out of three companies from the 11th Brigade, sort of a jury-rigged battalion, gave them a couple batteries of artillery, as I recall, and put them up there to cover an area that had been covered by several strong Korean battalions, and as you recall, they were strong. They had plenty of weapons and plenty of troops. And I thought Barker did an exceptionally able job, taking this sort of "raggle-taggle" outfit and putting it together and getting them into business up here. At the time he first went into action there was a brigadier general commanding--LIPSCOMB--commanding the 11th Brigade.

I remember one day not long after Task Force Barker got going, we had a combined operation that went out into this area where we had one company of Barker's unit operating along with elements of the 4th ARVN Regiment. We had the ARVN 4th Regiment commander out there as our representative on the spot, and BARKER did some coordinating. He let the company pretty well coordinate directly with the battalion of the 4th Regiment that it was with, and with Colonel LOM, who was the commander of the 4th Regiment.

They moved out generally towards My Lai along that road, Highway 521. They got in--the company of U.S. troops got into a pretty sharp engagement--well I think it was about just south of that My Lai (4) area, somewhere in there. And they really had a good sharp engagement. As I recall they lost about five or six U.S. killed, but they had 85 or 90 or more VC and the ARVN unit was south of the road. They were up generally along the shoulders of Hill 85. I had my advisor out there with Colonel LOM on Hill 85. The Task Force Barker--the boundary between the units was the road, as I recall. Task Force Barker asked for no assistance. The ARVN troops

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battalion--the U.S. battalion that was up to the north, and the ARVN's pushed in against that block and we got some gunships from Americal Division and had about 120 body count out of that. And again they were elements of the 48th Battalion plus some of the other local companies. So this was a good aggressive action. Of course this wasn't in the My Lai area.

Q. I know you're pressed for time this morning. I'm sorry that I was late in getting here, so we might have to cut a little bit of this short because I do have some other questions that I do want to address to you.

A. May I comment on the Tet offensive?

Q. Definitely. I definitely want to hear that.

A. The Tet offensive itself occurred up in this area on 31 January, actually my counterpart realized on 30 January that they could not any longer rely on the Viet Cong or North Vietnamese respect for the religious aspect of Tet, that they were probably going to try something on that very night when everybody was supposed to be relaxed. So he and I went around in my helicopter on the 30th and spoke to every single combat infantry battalion in his unit, both in Quang Ngai and up at Quang Tin. And he got his forces pretty well organized, those that weren't home on holiday. He was reduced to about 50 percent or less strength, but still that was pretty good around Quang Ngai City and Tam Ky up to the north. And the morning of the 31st, why we were attacked by a reinforced regiment, approximately, in both of the places. The battle went on all day on the 31st. This was a battle that was fought entirely by the ARVN. The only assistance we had from the Americal Divisions were two gunships in each place. This was a capability that we didn't have, of course. And at the end of the day on the 31st, we had enemy body count of over 1200 for the division, about 700 down here and about 500 up here at Tam Ky, and captured nearly 500 weapons, recoilless rifles, mortars, we lost 75 ARVN killed.

To me this was an outstanding victory and it was done entirely by the 2d ARVN Division with some assistance from helicopter gunships. These were pretty authentic body counts. I went around and did some spot checking and they were honest to goodness enemy troopers because they had weapons and they had grenades and they were in military

formations--even where we found them in many cases. And I thought General TOAN handled himself extremely well. He personally directed all the operations around Quang Ngai. Of course he couldn't do much about Tam Ky, but Colonel TAN, the province chief up there handled that pretty well. He made three separate counter-attacks that day with his armored personnel carriers. Each one went right to the point of decision. One before dawn, one in mid-morning, which was across the river and against the little hill that commanded the bridge there--

Q. (Interposing) Yes, at hill--

A. (Interposing) They had the old training center on this. That's the hill that has An Binh (1) written across it. And then the third one in the afternoon back around to the south and east of the citadel where the ARVN Division headquarters was. The enemy did penetrate into our CP with six people. All six of them got killed. This, I thought, was extremely well done. Of course the pressure that came in on us as a result of this caused some readjustment in where the ARVN forces were distributed in the next 2 months. And that's one reason why we gave up this area (indicating on Exhibit MAP-1) as a temporary area of operations to Task Force Barker. It had developed that we felt that the ARVN's couldn't get back up in here in February or March because we had a lot of pressure down to the south and the west of Quang Ngai City. And more pressure out here (indicating on Exhibit MAP-1) directly to the east of Quang Ngai and south of the Song Tra Khuc River, than we normally had had. So he had to redispense his forces in order to take care of that.

I was thinking particularly of the Nghia Hanh District down here. The Nghia Hanh District, which was south and west of Quang Ngai City had a tremendous amount of pressure on it, so we had to get a lot of force down in that area or have it ready to move there. General KOSTER had some discussion with Colonel TOAN. Incidentally we had almost daily contact with him under General WESTMORELAND's directive on why we were supposed to cooperate very closely and did--and they felt that this was getting to be an area where we had quite a bit of trouble and it needed a good cleaning out. So it was decided that Task Force Barker would be given that assignment. Our coordination was to put that temporary change into our tactical area of responsibility and give that to Task Force Barker.

On the particular operation in question in March, it was entirely Task Force Barker's operation, and we had no ARVN units participating. There may have been some popular force out there. I don't really know because that was not my department. So I don't have any specific knowledge of what happened in My Lai (4) on the date in question other than I got the usual morning briefing the next day which said that it had been a very successful operation and there'd been about 90, or 100, or something, body count.

IO: Well, I think that gives us a good rundown. I would like to have this letter of appreciation date 14 March 1968 from the senior advisor, 2d ARVN Division entered into the record as an exhibit.

RCDR: It will be entered into the record and marked as M-37.

IO: Would you tell us your appreciation of Colonel KHIEN's performance during Tet?

A. The province chief?

Q. The province chief.

A. Well, Colonel KHIEN was a pretty excitable fellow, but he was a courageous individual. I didn't get really too direct an observation of him. I was with the division commander during the whole Tet operation and really for us the big day was the 31st. Now of course there were some operations in the 2 to 3 weeks following that, and Colonel GUINN, of course, was with Colonel KHIEN constantly, and he would have a much better appreciation, point of view of actual personal contact, but my overall appreciation of him was he did his job. He did it pretty well, and he--see my counterpart was his boss although I wasn't Colonel GUINN's boss. They had a very peculiar setup.

Q. Of course that was about the time that the whole thing was in transition from this one situation to another wherein the sector reported directly to I Corps, and the province chief reported directly to Saigon.

A. That was this CORDS business. Well, that really started on the 30th of June, 1967. When I arrived in April of 1967, why we had a parallel chain of command. The division

commander commanded both province chiefs and in turn all the districts plus all the elements of the division. And I had operational command over all the advisors to these people. When CORDS got established effective 30 June 1967, I had administrative responsibility for all the U.S. advisors in the area, but I didn't have operational responsibilities for either the province advisor or the district chiefs.

Q. And you also recall that the campaign plan for 1968 came out about this time. It came out in February or March, it also took the division out of the chain of command as well. This may not have fixed well in your mind--

A. (Interposing) That's right, it doesn't stick in my mind because that was about the time I guess I was departing. I do remember, that's right. I do remember that they were taking the division out, and they were going to give the division area operating responsibilities which would support the pacification plan more so than they had in the past.

Q. You evidently were familiar with this operation into the area to the degree of at least working with Colonel TOAN to have an expansion of the AO to include this Son My area.

A. The new plan?

Q. Yes.

A. Well, we intended to take this back as soon as we got settled down from the after-effects of the Tet operations.

Q. When did this operation first come to your attention?

A. The one in--

Q. (Interposing) The operation itself. Not the AO, but the operation.

A. Yes, sir. I suppose either the morning of the day it happened or the day before. I was knowledgeable of the fact that Task Force Barker was putting an operation into the Pinkville area before they went in. I was knowledgeable of the fact that they were in there and in the next--I had a regular briefing every morning, as all tactical commanders do.

In my 7:30 briefing the next morning, I believe it was then anyhow, I got the report that this had been a successful operation, what the body count had been as it was reported officially. And that was really about the limit of it. I think I saw General KOSTER either the next day or the day after and I said, "I heard you had a good operation in the Pinkville," and he said, "Yes, it appears that way."

Q. Was there any discussion concerning civilians being killed?

A. I heard absolutely no--well, I don't remember hearing any discussion of that. If there was, it was of not enough significance to stay with me.

Q. Do you recall about this time, the 15th or the 16th, that Colonel HENDERSON had just taken over the command of the 11th Brigade.

A. I remember he took over in this frame. General LIPSCOMB--I went to his farewell parade and the change of command ceremony.

Q. Well, that was on the 15th. Do you recall after that that Colonel HENDERSON made a courtesy call on the division commander and talked over this operation?

A. I recall his coming over and making a courtesy call. All the brigade commanders in the division--commanders of the U.S. troops made a practice of this. But I'm not sure just exactly what was said at the courtesy call.

Q. Well, we have knowledge that about noon on the 16th he did call on the province chief, whether or not at the same time he called on Colonel TOAN is unknown. But the indication is that he did advise Colonel KHIEN and the senior advisor of the fact that the operation had been initiated.

A. Well, yes, I knew it was initiated too, but I don't know whether it was HENDERSON who told me or not.

Q. What were the relationships between Colonel HENDERSON and Colonel TOAN? Were they of a good order?

A. Well, I really can't say, General, because I was there only 2 weeks after HENDERSON took over, and I don't recall any bad relationships. I mention the incident where

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A. Yes, he was my primary contact with the advisory end of the province because I didn't have any real responsibility. I had an interest, personal interest, but official interest, I didn't have any real official interest in the governmental side of the province or the AID side either, with which Mr. MAY concerned himself.

MR MACCRATE: Colonel ULSAKER, could you recall the name of your G2 advisor at that time? Do you have any memorandum at home that might give your old organization chart?

A. I could probably find out who he was easily enough. I'll recall it the minute I walk out the door. I really had three different ones. I had one when I first came there, and of course he left not long after I got there. The second one, I remember his face very well, and he got wounded by a mortar fragment in August and I lost him. And then I had a third one when this--

Q. (Interposing) We're interested in your third one.

A. Yes, you'd be interested in the one that was there--

Q. (Interposing) And we're beginning to wonder whether he continued after your departure.

A. Yes, he would have been there after I left.

Q. Our information is that Colonel Dean HUTTER was your successor.

A. That's right. He showed up there about the 28th or so of March, roughly, I don't remember. We had about a 4 or 5 day overlap. Dean HUTTER, yeah.

Q. So that it was during this period that you were acquainting him with the special problems of the advisor's post there and--

A. (Interposing) Well, that's right. Actually while he was there, I was spending a good bit of my time with him, talking things over, probably not as much time with TOAN as I was accustomed to.

Q. But this was the introductory period for him to Colonel TOAN as well as to the job.

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A. I had a deputy, a Lieutenant Colonel Stuart CROMWELL. He was there. He knew what was going on in the operational side, but he mostly supervised the running of the two installations I was responsible for--administration team, get the paperwork going and this kind of thing while I was spending most of my time with TOAN.

Q. Would he have bridged this period?

A. He was--right. He stayed on after I left, so he became Colonel HUTTER's deputy.

MR MACCRATE: That's all I have.

IO: Well, we've already taken quite a bit of your time. Do you have anything else that you might think of that would add to the purpose of our inquiry?

A. I don't think so, General.

IO: The hearing will recess at this time.

(The hearing recessed at 1014 hours, 14 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: RAGSDALE, Robert W. SSG

DATE OF TESTIMONY: 4 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Platoon Sergeant, 2d Platoon, C Company, 37th Signal Battalion. Became Platoon Sergeant, 1st Platoon, C Company, 37th Signal Battalion the first part of April 1968.

1. INFORMATION ABOUT MY LAI.

The witness heard nothing concerning the My Lai operation (pg. 5). He knew nothing about an investigation regarding it (pg. 6). He was never cautioned to be quiet about it and knew of no one else who was (pg. 6). He did not provide communications support to anyone within time proximity to the My Lai operation (pgs. 7, 8).

2. ACQUAINTANCE WITH INDIVIDUALS INVOLVED IN THE MY LAI INVESTIGATION.

He was only faintly familiar with Task Force Barker, and was not sure if he knew Staff Sergeant WARREN of the MP's or Robert RAMSDALE of the Province Interrogation Center (pgs. 5, 6). He knew Mr. MAY, but only because he installed telephones at MAY's house (pg. 5). He knew Lieutenant Colonel GUINN, but only from seeing him at the compound (pg. 6). He did not know a Mr. NEAL (pg. 6). He did know Colonel HUTTER (pg. 7).

(The hearing reconvened at 1300 hours, 4 January 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR MACCRATE, and CDR DAVIS.

The next witness is Staff Sergeant Robert W. RAGSDALE.

(SSG RAGSDALE was called as a witness, was sworn, and testified as follows:)

RCDR: Would you state your name, rank, Social Security number, branch of service, organization and duty station?

A. Staff Sergeant Robert W. RAGSDALE, Social Security number, , Army. C Company, 37th Signal Battalion. At night I work as club manager at the C Company NCO Signal Club.

RCDR: And your duty station?

A. Chu Lai, Republic of Vietnam.

IO: Sergeant RAGSDALE, before we start any questioning, I'll inform you of certain things concerning the investigation. This investigation was directed jointly by the Secretary of the Army and Chief of Staff of the United States Army, General WESTMORELAND for the purpose of determining the facts and making findings and recommendations concerning two matters:

(1) the adequacy of prior investigations and inquiries into, and the subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this incident. It is directed at those two matters.

A. Yes, sir.

(RAGSDALE)

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Q. Our investigation is not being conducted to investigate all of the facts and circumstances as to what happened at My Lai on the 16th of March. It is directed at those two specific purposes I have just mentioned. Do you have any questions concerning those two matters?

A. No, sir.

Q. I have had made available to me and have reviewed prior statements obtained in other official investigations of the My Lai incident. To the best of my knowledge, you have never been questioned in this investigation before.

A. No, sir, I haven't.

Q. Your testimony today will be taken under oath. A verbatim transcript will be prepared. A tape recording is also being made in addition to the verbatim notes which are being taken by the reporter.

The general classification of the report will be confidential, but it is possible that the testimony or at least parts of it may later become a matter of public knowledge. Aside from myself, I have on my right, Mr. MACCRATE. Mr. MACCRATE is a civilian lawyer who has volunteered his service to the Secretary of the Army to assist me and also to serve as a legal counsel to me. This morning, he may also address some questions to you. You are ordered not to discuss your testimony in this investigation with others, including other witnesses of this investigation, except in the performance of official duty or as you may be required to do so before a competent judicial, legislative, or administrative body.

Have you been cited or made subject to the order of the military judge in the court-martial case in United States v. Calley?

A. No, sir.

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Q. In the event this ever comes about, your testimony here would in no way change the applicability of that particular order. Do I make my point clear on that?

A. Yes, sir.

Q. Do you have any questions concerning what I have told you at this time?

A. No, sir.

RCDR: Sergeant RAGSDALE, we have no reason to suspect you of anything. In the event something develops during the course of the questioning that could lead us to suspect you of some offense, I will interrupt the proceedings and advise you of your rights at that time. In the meantime, you have an obligation to answer these questions.

A. Yes, sir.

IO: Sergeant RAGSDALE, what was your duty assignment on 16 March 1968?

A. The best I can remember, sir, I was platoon sergeant down in Tam Ky, 2d Platoon, C Company, 37th Signal Battalion.

Q. You were in the 37th Signal Battalion at that time?

A. Yes, sir.

Q. That's almost 2 years ago now.

A. Yes, sir, that was 16 March 1968. I was either platoon sergeant of C Company, 37th Signal, or I had just moved to Quang Ngai. I don't remember exactly but I'm pretty sure it was in Tam Ky.

Q. How long did you stay in Tam Ky and when did you move to Quang Ngai?

(RAGSDALE)

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A. I moved to Quang Ngai in the first part of April sir. I was in Tam Ky for approximately 20 days.

Q. What was your duty in Quang Ngai?

A. Platoon sergeant, sir, 1st Platoon, C Company, 37th Signal.

Q. Were you in any way assigned to the CORDS organization there?

A. No, sir.

Q. You were not assigned to the advisory group at province?

A. We were TDY, sir. That's strictly support.

Q. But you did provide support to them?

A. Yes, sir.

Q. Where did you live there, Sergeant RAGSDALE?

A. The Cramer Compound, sir.

Q. That's the one over in the 2d ARVN Division area?

A. Right, sir.

Q. And how long did you stay in that capacity working with province there?

A. I stayed there until May 1968, May 2d, sir. The first of June 1968, I took a 30-day leave to the states and came back in August. I was there until the first part of October then I went to Duc Pho as platoon sergeant in Delta Company, 43d Signal.

Q. Yes. And did you have any previous assignment back in the Quang Ngai City area with the advisory group there?

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A. No, sir.

Q. In your capacities at Tam Ky and working in the headquarters of the advisory group, did you hear anything of the Task Force Barker operation into Son My Village on the 16th of March?

A. Sir, the best I can remember, I did not.

Q. Were you familiar with Task Force Barker?

A. Faintly, sir.

Q. Did you know a Sergeant WARREN of the MP's?

A. Sergeant WARREN? It is possible, sir, but I couldn't say for sure.

Q. Yes, his name is Staff Sergeant Lones Ray WARREN.

A. As I say, sir, it is possible but I couldn't say for sure because I don't remember.

Q. In your signal capacity did you have much to do with Mr. MAY or--

A. (Interposing) That is at Quang Ngai?

Q. Yes.

A. Just to lay telephone lines to his house and keep telephone lines installed, that is about it, sir.

Q. What about Colonel GUINN?

A. I didn't have much to do with him at all, sir. I mostly worked for Colonel HUTTER and Lieutenant Colonel-- the deputy there in Quang Ngai.

Q. Well, the deputy at that time was Colonel GUINN.

A. That's right. Colonel GUINN, sir.

Q. What relationship did you have with him, Sergeant RAGSDALE?

A. Well, sir, I have seen him down at the compound, that was about it.

Q. Did you ever know an individual by the name of Robert RAMSDELL?

A. I don't know, sir. The name sounds familiar but I couldn't say for sure.

Q. He probably worked in the area of the Province Interrogation Center.

A. Well, if he was an NCO, sir, and he was in the area, I probably knew him because you know all the NCO's, maybe just to speak to them and say good morning to, but you still knew their faces.

Q. Did you ever run across a "Mr. Neill?"

A. Not that I know of, no, sir.

Q. While you were in that particular duty, did you ever hear that an investigation of any kind was going on within the ARVN or within the U.S. side concerning what may have happened in the area of My Lai Hamlet or Son My Village arising out of the incident of 16 March?

A. No, sir, I did not.

Q. Did you ever hear or were you ever cautioned to keep quiet about anything you may have known about anything such as that?

A. No, sir.

MR MACCRATE: Sergeant RAGSDALE, in supporting the sector, with whom did you work in the sector? Do you recall any of the individuals?

A. Well, in Tam Ky, no, sir, I don't. In Quang Ngai, I worked with Sergeant LEWIS. He works over in the TOC. I got there just before Colonel GUINN left and then I worked out there with a Colonel HUTTER. He let me know what he wanted and that's what I gave him. That was it.

IO: When did Colonel HUTTER arrive? Do you recall?

A. Not for sure, no, sir.

MR MACCRATE: Did you provide any support for the sector on any operations?

A. Only one operation, sir, and that was quite a while later. It was when they laid telephone lines across the river to a replacement camp--when they replaced a lot of people and built a camp across the river. We laid telephone lines across the river. That was all.

Q. When was that?

A. That was this year, sir.

Q. In 1969?

A. Yes, sir.

IO: Did you lay on some radio communication support for the advisory element which may have accompanied an ARVN operation--

A. (Interposing) I furnished a radio, sir. That was down in Tam Ky. At Quang Ngai, no, sir. I didn't furnish radios except sometimes they would run out of radios of their own. I'd get hold of some radios so they could use them. I did not furnish them any radio operator.

Q. If the advisory element went out of an operation accompanying the province chief, Colonel KHIEN, who would they contact?

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A. They would contact Mr. BROWNFALL or sergeant first class--they had their signal advisors.

Q. Well, I'm talking about the U.S. advisory element running their own communication back to the TOC.

A. Then they would contact the TOC and Colonel HUTTER or whoever was there operating the TOC. We did not operate the TOC.

Q. That was run by the ARVN?

A. That was run by the MACV advisory team, sir.

Q. Was it a joint TOC, joint between U.S. and Vietnamese?

A. No, sir. As far as I can remember there was no Vietnamese working at the TOC.

Q. I take it then that in the U.S. TOC that they were in contact with each of the districts?

A. Yes, sir, and each of the teams that was out.

Q. What kind of radio did they use for that?

A. They used to be called a PRC-25. Now they are modified and they under another name. I don't know what they are, sir.

Q. PRC-77?

A. PRC-77.

Q. But you didn't work in that general area?

A. No, sir, I did not and none of my men did.

Q. Who were the operation sergeants?

(RAGSDALE)

A. Sergeant LEWIS was one and I'm trying to think of this other sergeant's name. He was an E-8-- someone else, sir, I can't recall his name. I know him well but I can't think of his name.

Q. Well, if you can recall his name, you might pass that on to us so we can include it within the record.

Do you know anything at all about this operation or activity, Sergeant RAGSDALE, that you would like to make available?

A. No, sir.

Q. Well, I recognize that you were pretty well on the fringes of this whole operation. If you do by chance recall anything that might have been connected with it, please let us know.

A. Yes, sir.

(The hearing recessed at 1330 hours, 4 January 1970.)